

GRANT REFORM: THE FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS

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GRANT REFORM: THE FASTER AND SMARTER FUNDING FOR FIRST RESPONDERS ACT OF 2005

Thursday, April 14, 2005

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The committee met, pursuant to call, at 11:09 a.m., in Room 210, Cannon House Office Building, Hon. Christopher Cox [chairman of the committee] presiding.

Present: Representatives Cox, Smith, Shays, King, Lungren, Gibbons, Simmons, Etheridge, Rogers, Pearce, Harris, Reichert, Dent, Thompson, Harman, DeFazio, Norton, Lofgren, Jackson-Lee, Pascrell, Langevin, and Meek.

Chairman COX. [Presiding.] Good morning.

Let me welcome our witnesses, both our former colleague, the Honorable Lee Hamilton, and those who will next testify.

And I would announce to members that we are expecting to be interrupted by votes. Mr. Hamilton has an hour to be with us. My suggestion is that we commence immediately, that we keep a member always in the chair, and that we proceed with our interaction.

With that understanding, let me welcome you, Mr. Hamilton. Thank you for being here.

I would point out that earlier this week, this committee's Subcommittee on Emergency Preparedness, Science, and Technology, ably led by our colleagues, Peter King and Bill Pascrell, heard testimony from government officials, outside experts and several states about the problems with the current grant system for first responders.

It was just the latest in a string of hearings that this committee and its predecessor, the Select Committee on Homeland Security, have conducted on this issue. And all of this investigation and oversight in these hearings have led to one inescapable conclusion: the current system is broken and something needs to be done immediately.

This is something, by the way, that our entire country increasingly seems in agreement upon, whether in large urban areas or in America's heartland. The system is slow and inefficient. It also ignores risk in favor of political formulas.

Until we fix it, our nation will remain less secure and our first responders, ill prepared. That is why a central recommendation of the 9/11 Commission was risk-based funding for terrorism preparedness grants.

H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005, will carry into law the specific recommendations of the 9/11 Commission on this subject. The bill was introduced in the 109th Congress on Tuesday by myself and Ranking Member Thompson, and it is cosponsored by every Republican and Democrat on the Homeland Security Committee.

It is virtually identical to our First Responder Bill, enacted—I should say passed—by the Select Committee on Homeland Security in the 108th Congress, which was also passed by the House and included in the House’s version of the 9/11 Commission Recommendations Implementation Act.

I am pleased to note that our witnesses, the Honorable Lee Hamilton, Mary Fetchet, representing the families of 9/11 victims, the International Association of Fire Fighters, the Fraternal Order of Police and the National Association of Emergency Medical Technicians all endorsed the first responder provisions of H.R. 10 last year and are working with us to ensure passage of H.R. 1544 this year.

The 9/11 Commission recommended that “homeland security assistance should be based strictly on an assessment of risk and vulnerability.” H.R. 1544 recognizes the need to address our greatest risks and vulnerabilities first. It requires the department to allocate homeland security assistance funds to states, regions, and directly eligible Indian tribes based upon the degree to which they would lessen the threat to, vulnerability of and the consequences for persons and critical infrastructure.

According to the 9/11 Commission, any risk assessment “should consider such factors as population, population density, vulnerability and the presence of critical infrastructure within each state.” H.R. 1544 does that as well.

In addition, the commission recommended that the federal government convene “a panel of security experts to develop written benchmarks for evaluating community needs.” Again, H.R. 1544 satisfies that recommendation. It directs the Secretary to establish a 25-member advisory body, composed of first responders from the state and local level, for the purpose of assisting in the development of essential capabilities for terrorism preparedness.

Finally, the 9/11 Commission recommends that “states be required to abide by these written benchmarks in disbursing federal funds and that each state be required to justify the distribution of funds in that state based on the same risk criteria used at the federal level.” H.R. 1544 does both of these things.

It does so requiring states in their planning to prioritize their additional needs for essential capabilities according to threat, vulnerability and consequence factors and to allocate their dollars accordingly. It is my sincere hope that the House will pass H.R. 1544 in the next few weeks. And when it does, the nation will owe a debt of gratitude to our witnesses, who have fought and who continue to fight, for first responder grant reform.

Let me thank you all in advance of your testimony for being here with us today and yield to my distinguished colleague from Mississippi, Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman.

And I welcome Congressman Hamilton of the 9/11 Commission to this committee.

I would also like to welcome Ms. Mary Fetchet, who will represent Voices of September 11.

You so adequately put that our present system is broken, Mr. Chairman. I do not think there is any question about it. If we saw—and a lot of us saw it—the 60 Minutes show this past Sunday, we know that right here in Washington, DC, there is about \$120 million gone unspent so far between 2002 and 2004 funding.

I look forward to the passage of H.R. 1544 so that we can get a system put in place.

Mr. Hamilton, let me thank you for your leadership in this endeavor. Sometimes, criticism is healthy. Your committee did it in a manner that made all of us proud.

I look forward to your testimony and I look forward to the passage of this legislation. And I yield back my time.

Chairman Cox. Thank the gentleman.

The chair now recognizes the Honorable Lee H. Hamilton, vice chairman of the National Commission on Terrorist Attacks Upon the United States.

Thank you for joining us.

STATEMENT OF HON. LEE H. HAMILTON

Mr. HAMILTON. Chairman Cox and Ranking Member Thompson and distinguished members of the committee, thank you very much for giving me the opportunity to appear. I speak, of course, for Governor Kean as well.

Governor Kean, as you know, is president of Drew University and they are wrapping up their activities for the year and it is very difficult for him to leave the campus at this particular time.

My fellow commissioners are very pleased and gratified by the continuing interest of the Congress in the work of the 9/11 Commission. A lot has been done and accomplished. And I think all of us would agree that an awful lot more needs to be done.

On September 11, the Fire Department of the City of New York suffered the largest loss of life of any emergency response agency in our nation's history. The Port Authority Police Department suffered the largest loss of life of any American police force in history.

The New York Police Department suffered the second largest loss of life of any police force in U.S. history, exceeded only by the loss by the Port Authority police that same day. We heard, of course, many of the harrowing recollections from these police and fire. They were absolutely heroic in all of their activities.

Many of them, you know, gave their lives. And as we look to the future, all of us on the committee agree that targeted investments in the right equipment, training and communication could help save lives.

I was very appreciative, Mr. Chairman, of your statement. I agreed with it wholeheartedly, the statement you read just a few minutes ago.

In the post-9/11 era, big city mayors, police and fire chiefs and emergency planners are forced to imagine a dizzying array of

catastrophic scenarios. As we saw in the aftermath of September 11, attacks on our political, economic or cultural centers have a profound impact on the life of every American.

Our security depends on the ability of high-risk localities to prevent and prepare for attack. In this new kind of war, first responders, of course, are on the front line.

We stated in our report that the issue of homeland security funding is too important for politics to prevail as usual.

I was struck by the fact that you mentioned, Mr. Chairman, that all of the members of this committee have cosponsored H.R. 1544. I am impressed by that. And I thank each one of them for doing that. That is an important signal to send to the House and to the Congress.

We made several recommendations in the Commission Report. Homeland security assistance should be based strictly on an objective, non-political assessment of risks and vulnerabilities. These assessments should consider the threat of an attack, a locality's vulnerability to an attack and the possible consequences of an attack.

The federal government should develop specific benchmarks for evaluating community needs and require that spending decisions be made in accordance with those benchmarks. Each state receiving funding should provide an analysis of how funds are allocated and spent within the state. And each state and city should have a minimum infrastructure for emergency response.

Unfortunately, the current formula for distributing homeland security funds falls far short of meeting the commission's recommendations. Billions of federal dollars have been distributed with no consideration of risk in the allocation process.

While major cities stretch their budgets to cope with the constant terrorist threat, sparsely populated counties have used their grants to purchase extravagant equipment they probably do not need, based on current risk. No requirement has existed to ensure that funds are distributed within states according to risk. While a few states—notably New York—have been diligent in ensuring the rational distribution of funds, this has been the exception rather than the rule.

The federal government has not established benchmarks for evaluating community needs or guidelines for the most effective use of preparedness funding. That means that spending decisions have often been made after funds are received.

In many cases, the funding arrives as an unexpected windfall and is often spent with the same lack of forethought, not adhering to any state or regional homeland security plan. Existing threat assessment and risk management tools available in the Department of Homeland Security should be utilized to assist Congress, states and local communities in making rational decisions.

I would like to note and commend that this committee has done outstanding work investigating the allocation of these funds since 9/11, especially its analysis of the use of first responder grant funding in fiscal years 2002 and 2003. Oversight of executive branch programs remains one of Congress's most critical duties, especially in an era when vast sums of taxpayer money are being allocated so quickly.

This committee's work on first responder grant funding is an example of the kind of oversight that is needed to ensure that the agencies and programs responsible for our security are functioning effectively. Section 7401 of the Intelligence Reform and Terrorism Prevention Act of 2004 contains Sense of Congress Language urging the 109th to reform the system for distributing first responder grants to state and local governments.

The 9/11 commissioners and I were disappointed that the bill did not address the issue. We noted last October in a letter to Congress that the bipartisan language from this committee contained in H.R. 10 was in line with the spirit of our recommendations. And we would like to have seen it in the conference report.

I am very pleased and heartened that the committee has once again moved forward in a bipartisan fashion to address the funding formula question. The Smarter Funding for First Responders Act, H.R. 1544, will be an enormous step forward in terms of national preparedness. You are familiar with the terms of the bill; I will not go into that.

Each of these reforms is in line with our recommendations and we will believe will greatly improve the effectiveness of this program.

Finally, I would like to take this opportunity to touch on a final related issue of concern. In our report, we urged that Congress not use homeland security funding as a political pork barrel.

The inclusion of numerous earmarked projects in the Homeland Security Appropriations Bill would be a step backward. It would reduce the discretion of the Department of Homeland Security to allocate these funds where they are needed. And I would encourage members to resist earmarking on these scarce funds.

Thank you again for the excellent work done on this critical issue, your leadership, your bipartisanship, your dedication to rigorous oversight. Your enthusiasm for reform has already validated the commission's recommendations for a permanent standing Committee on Homeland Security.

We welcome all efforts to strengthen the oversight work of this committee, to strengthen the authorities of this committee over counterterrorism programs of the Department of Homeland Security.

H.R. 1544 is a significant step forward in terms of national preparedness. Our current system for distributing federal homeland security funds is not worthy of the seriousness of the task.

The bill would create a rational, risk-based model for allocating federal homeland security funding. It would greatly improve the effectiveness of the grant program and the security of the American people.

I thank the committee for its continuing interest in our recommendations. And I would be pleased to respond to questions.

[The statement of Mr. Hamilton follows:]

PREPARED STATEMENT OF HON. LEE H. HAMILTON

Chairman Cox, Ranking Member Thompson, distinguished members of the Committee:

I am honored to appear before you today to discuss reforming federal first responder funding. Thank you for requesting my views on this subject of great national importance.

My fellow former Commissioners and I are gratified by the continuing interest of the Congress in the work of the 9/11 Commission. While last year's intelligence reform bill fulfilled or partially addressed many of our recommendations, much work remains to be done. Therefore, I appreciate the opportunity to discuss with you today one of our recommendations that still requires the attention of the Congress.

On September 11, 2001, the Fire Department of the City of New York suffered the largest loss of life of any emergency response agency in our nation's history. The Port Authority Police Department suffered the largest loss of life of any American police force in history. The New York Police Department suffered the second largest loss of life of any police force in U.S. history, exceeded only by the loss of Port Authority police that same day. Our Commission heard many harrowing recollections from police and firefighters who responded to the attacks.

The performance of first responders that day was heroic. So many gave their lives. As we look to the future, all of us on the Commission agreed that targeted investments in the right equipment, training and communications could help save lives, both of first responders and those they seek to rescue.

In his testimony before our Commission, New York Police Commissioner Ray Kelly underlined the importance of federal grants to first responders in high-threat areas. He said: "The federal government must invest realistically in protecting those areas the terrorists are likely to try to hit again. Along with a few other major cities, New York tops that list. Everything we know about Al-Qa'ida tells us this is true. It is a lesson from our history we simply cannot afford to ignore."

In the post-9/11 era, big city mayors, police and fire chiefs, and emergency planners are forced to imagine a dizzying array of catastrophic scenarios. As we saw in the aftermath of September 11th, attacks on our political, economic, and cultural centers have a profound impact on the life of every American. Our security depends on the ability of high-risk localities to prevent and prepare for attacks. In this new kind of war, first responders are on the front lines. For them, homeland security funding can be a matter of life and death. As we stated in our report, "this issue is too important for politics as usual to prevail."

Our Commission made several specific recommendations on this subject:

- Homeland security assistance should be based strictly on an objective, non-political assessment of risks and vulnerabilities. These assessments should consider the threat of an attack, a locality's vulnerability to an attack, and the possible consequences of an attack.
- The federal government should develop specific benchmarks for evaluating community needs, and require that spending decisions be made in accordance with those benchmarks.
- Each state receiving funding should provide an analysis of how funds are allocated and spent within the state; and
- Each state and city should have a minimum infrastructure for emergency response.

Unfortunately, the current formula for distributing homeland security funds falls far short of meeting the Commission's recommendations.

- Billions of federal dollars have been distributed with no consideration of risk in the allocation process. While major cities stretch their budgets to cope with a constant terrorist threat, sparsely populated counties have used their grants to purchase extravagant equipment they probably do not need based on current risk.
- No requirement has existed to ensure that funds are distributed within states according to risk. While a few states, notably New York, have been diligent in ensuring rational distribution of funds, this has been the exception rather than the rule.
- The federal government has not established benchmarks for evaluating community needs, or guidelines for the most effective use of preparedness funding. This means that spending decisions have often been made after funds are received. In many cases the funding arrives as an unexpected windfall, and is often spent with the same lack of forethought, not adhering to any state or regional homeland security strategic plan. Existing threat assessment and risk management tools available in DHS should be utilized to assist Congress, states and local communities in making rational spending decisions.

I'd like to note that this Committee has done outstanding work investigating the allocation of these funds since 9/11, especially its analysis of the use of First Responder Grant Funding in Fiscal Years 2002 and 2003. Oversight of executive branch programs remains one of Congress's most critical duties, especially in an era when vast sums of taxpayer money are being allocated so quickly. This Committee's work on first responder grant funding is an example of the kind of oversight that

is needed to ensure that the agencies and programs responsible for our security are functioning effectively.

Section 7401 of the Intelligence Reform and Terrorism Prevention Act of 2004 contained sense of Congress language urging the 109th Congress to reform the system for distributing first responder grants to state and local governments. My fellow Commissioners and I were disappointed that the bill itself did not address this issue. We noted last October in a letter to Congress that bipartisan language from this Committee, contained in H.R. 10, was in line with the spirit of our recommendations. We would have liked to have seen it in the conference report.

I am heartened that the Committee has once again moved forward, in a bipartisan fashion, to address the funding formula question. The Smarter Funding for First Responders Act, H.R. 1544, would be an enormous step forward in terms of national preparedness.

- This legislation would require that DHS allocate homeland security grant funds according to risk. This is in line with our core recommendation on federal homeland security funding.
- It would establish a federal Grant Board of 25 homeland security experts, to evaluate state applications on the basis of their potential to reduce the threat of vulnerability to, and consequences of terrorist attacks.
- It would require each state to submit a three-year homeland security plan. This would ensure that grant disbursements are actually being spent according to a rational, coordinated plan, rather than as an unexpected windfall.
- Finally, after resources have been allocated according to risk, the bill would ensure that each city and state can maintain a minimal capacity for emergency response, by topping off state allocations that don't reach the 0.25 percent state minimum level. This is a more rational way of ensuring that small communities can maintain this basic capability.

Each of these reforms is in line with our recommendations, and will greatly improve the effectiveness of this program.

Finally, I would like to take this opportunity to touch on a final, related issue of concern. In our report, we urged that Congress not use homeland security funding as a political pork barrel. The inclusion of numerous earmarked projects in the Homeland Security appropriations bill would be a step backward. It would reduce the discretion of DHS to allocate these funds where they are needed. I encourage members to resist earmarking these scarce funds.

Conclusion

Once again, I would like to thank the committee for its excellent work to date on this critical issue. Your bipartisanship, your dedication to rigorous oversight, and your enthusiasm for reform, have already validated the Commission's recommendation for a permanent standing committee on Homeland Security. We welcome all efforts to strengthen the oversight work of this Committee, and to strengthen the authorities of this Committee over the counterterrorism programs of the Department of Homeland Security.

H.R. 1544 is a significant step forward in terms of national preparedness. Our current system for distributing federal homeland security funds is not worthy of the seriousness of the task. This bill would create a rational, risk-based model for allocating federal homeland security funding. It would greatly improve the effectiveness of the grant program, and the security of the American people.

I thank the Committee once again for its continuing interest in our recommendations, and I look forward to your questions.

Chairman COX. Thank you very much for your testimony.

I have just a few questions that I will put—actually, just one question. And we will go quickly to the rest of the members. We know that your time is limited.

I want to thank you once again, on behalf not only of the Homeland Security Committee, but of the House of Representatives. All of us on both sides of the aisle appreciate the work that the commission did.

It was vitally necessary work. And it is helping us move forward quickly constructing some rigor to a new discipline that frankly none of us was expert in prior to 9/11.

We have put together a lot of separate disciplines in which many of us were experts, but the synthesis of all of these things in what we are now calling Homeland Security truly is new to us. And I

think that some of the missteps that have been made in the early going are a reflection of that fact.

This is probably the most glaring example of a problem that Congress made, because we wrote the formulas into the Patriot Act that provides arithmetic ways of formulaically distributing the funds, rather than doing it on the basis of risk. We now have the chance to repair that mistake.

And the reason it is so important, as you outlined in your testimony, is that if we send this money to first responders based on unthinking formulas, mindless formulas ignorant of what our intelligence is telling us are capabilities of terrorists and what their intentions might be, ignorant of our own studied vulnerabilities that we are spending a great deal of taxpayer resources to discover, ignorant of the consequences of various kinds of attacks on population centers, other infrastructure and so on, we are doing great damage to our national security.

And I want to ask you because this is something in which you are expert by virtue of your long service in the Congress, whether you can help us as we try to establish norms by which Congress and the political class will deal with homeland security the very same way we deal with national security, whether there are steps that we can take to educate the nation that this is not the highway program; this is not about political fairness. It is not about making sure everybody gets their slice of the pie; but rather, this is no different than the spending that we do for the Pentagon, spending that we do for our intelligence community.

If it works out that we can put intelligence resources or defense assets in somebody's home state, that is delightful, but that is not the premise from which we proceed. And it has been the premise from which we have been proceeding when it comes to first responder grants.

Your thoughts?

Mr. HAMILTON. Mr. Chairman, I think you have stated it very well. We very strongly objected to the idea that these homeland security funds should be distributed as general revenue sharing funds according to political calculations.

That can be an important program in and of itself, but it really has nothing to do with homeland security. We think it is very important that the norms that you referred to in your question be established.

Those norms are the threat. What is the threat? What is the vulnerability of the community or given infrastructure that is in the community?

What are the consequences of an attack on a given location? All of those things and many others have to be taken into consideration and the money distributed accordingly.

Now this is a difficult business. It is not a precise science. You have to make judgments and you have to establish priorities on the basis of information that is not as complete as you would like it to be.

On the other hand, it is far better to try to make those judgments on the basis, as you said, of the intelligence that you have. And you will get a much better chance of protecting the American people.

So I think those norms are clear and should be at the basis of the allocation of the funding. The most difficult problem in homeland security is establishing priorities. And I know politicians do not like to establish priorities because it is very, very hard to do and you might be wrong.

Nonetheless, I think it is important in this game that you try to establish those priorities on the best information you can get. We know quite a bit about what the terrorist wants to do.

They have made it quite clear. They want to inflict as much harm on us as they can. They want to kill as many of us as they can. They want to hit symbolic targets in this country that would have a profound impact on our psychology as a nation.

We know what their intent is. We have some idea of what their capabilities are. But we would be foolish to ignore the information that we have about the terrorists and just allocate these funds—in my judgment, we are foolish to allocate these funds on the basis of political considerations.

Chairman COX. I yield back the balance of my time and recognize the gentleman from Mississippi, Mr. Thompson.

Mr. THOMPSON. Thank you very much, Mr. Chairman.

And thank you again, Mr. Hamilton, for your testimony.

You had an opportunity to kind of look at the landscape in DHS while producing the report. Do you think, with the passage of this legislation, that DHS has the capabilities and funding necessary to adequately evaluate risk to distribute grant funding?

Mr. HAMILTON. I think my answer to that is yes. The DHS is a complex organization, bringing together over 20, I think, agencies—maybe more.

I know you have heard from the new Secretary. And he has put very strong emphasis upon intelligence in that department. That seems to me to be quite appropriate because all of these evaluations you have to make are based on the intelligence.

I think they have the legal authorities. I think they have the capabilities to perform.

I think the implementation of a complex department like that does not come easily. It takes time. But it is important that the Secretary be given full support to make the changes that I think are necessary.

Mr. THOMPSON. Next question, Mr. Hamilton, speaks to whether or not the notion that money should be distributed solely on risk. One of the concerns we have expressed to members of this committee speaks to how rural America will fare as we identify risk.

What do you think we should tell rural America with respect to ensuring them that they matter too with respect to what we are dealing with from the standpoint of terrorism?

Mr. HAMILTON. Mr. Thompson, of course, I represented a rural area so I have some appreciation of the question you put forward. But I think I would feel perfectly comfortable going to my former constituents and saying, "Look, this is special money. This money is provided to protect American lives. And you have to put that money largely where you think the attack may come."

The attack is less likely to come in rural America. There are elements of infrastructure in rural America that need to be protected. And I think, as you know, the bill provides and we recommended

that you have a certain minimum level availability for these areas and for the states.

But this is a very special kind of funding, not to be spent willy-nilly, but to be spent to protect American lives. And it is the best judgment of our intelligence people over a period of time that the terrorists are aiming their activities at certain areas especially.

Everything we have suggests that by way of information: New York, Washington, certain critical infrastructure around the country. So I think you just have to make a plea to rural America on this point and say that there are a lot of areas rural America can come into some funding, but this is a special case.

Look, you are dealing here with the responsibility of the government to protect the lives of American citizens. And we clearly are called upon to make some tough judgments. But you have to make those tough judgments here; otherwise, you are not protecting the American people as well as you should.

Mr. THOMPSON. Well, I too represent a rural area. And I can appreciate your approach to it. And some of us plan to do it. But it is a concern of a number of people.

And it is not the notion that rural people do not matter; it is that you are evaluating risk. And I think we have to really put that out front so people understand what we are talking about because it is a problem.

Mr. HAMILTON. Oh, I do not have any doubt about that. You have put your finger on an important problem, but I think you also stated the answer.

Mr. THOMPSON. Thank you, Mr. Chairman. Yield back.

Chairman COX. Gentleman's time is expired.

The gentleman from Connecticut, Mr. Shays?

Mr. SHAYS. Thank you, Mr. Chairman, I intend to yield most of my time to Mr. Smith, Lamar Smith, because basically I think your message is pretty straightforward. The first question from you, Mr. Chairman, kind of answers my question.

But you are never going to appear before me, Mr. Hamilton, without me thanking you for the work that you did. Your work with your commission and the fact that you put partisanship aside borders on almost being sacred. And I thank you for that.

And I also want to take the time to thank the gentlelady behind you, Mary Fetchet, for loving her son so much, Brad, and her husband and her family and taking on this issue because we would not see all the incredible things that we have seen without her incredible work. And I am just so proud that she is a constituent.

And with that, I yield to Lamar Smith.

Mr. SMITH. Mr. Chairman, I would like to thank my friend from Connecticut for yielding.

And Mr. Hamilton, I just had one question for you. A few minutes ago in your response to the chairman's question, you gave some examples of norms that I thought were helpful.

But my question goes to that part of your testimony where you, in one of your recommendations, say, "the federal government should develop specific benchmarks for evaluating community needs and require that spending decisions be made in accordance with those benchmarks." I wonder if you could also be specific as to what benchmarks you might recommend or have in mind or just

examples of the type of benchmarks that would be good for us to take a look at?

Mr. HAMILTON. I am trying, Mr. Smith, to remember the words of our report. We certainly did refer to benchmarks. And I do not think we were very specific; at least, I cannot recall.

But the benchmarks certainly would not be different from the norms that I recited to the chairman a moment ago. If you want to create benchmarks for evaluating the needs in the community, okay, what do you look at?

You are in a community and you ask yourself, "What in this community is going to cause the biggest problem if it is exploded?" And you ask yourself what the consequences of that kind of destruction would be.

And you ask yourself, "How well is the community prepared to respond to an attack?" Well, I guess, Secretary Ridge used to say that homeland security is basically local. And you have to figure out locally those things that are most vulnerable. And these are the kind of benchmarks I have in mind.

Mr. SMITH. Okay, that is helpful.

Mr. HAMILTON. Look, I live near a hospital in Alexandria, Virginia. And my wife works there. She is not exactly very high up in the chain of command; she is a volunteer.

And I asked her the other day, I said, "How well is this hospital prepared in Alexandria, Virginia to respond to a terrorist attack?" That is a benchmark.

And every one of you ought to be asking the exact same thing of the hospitals in your communities. How well are they prepared to respond? How well are the first responders prepared to respond?

Those are all benchmarks. There are a lot of them. And they are very important.

Mr. SMITH. Thank you, Mr. Hamilton.

And, Mr. Chairman, I will yield back.

Chairman COX. The gentleman's time is expired.

The gentlelady from California, Ms. Harman?

Ms. HARMAN. Thank you, Mr. Chairman. Congratulations to you and the ranking member for achieving unanimity on a major bill to be reported out of this committee. I am very proud to be a co-sponsor. And hopefully, that is a harbinger of good things to come.

I would also like to say to our witness, Lee Hamilton, that we sorely miss your bipartisanship and sensibility in Congress. You are a model to me and I think to most of us here of what a member of Congress, former member of Congress, should be.

And you continue to serve. And I appreciate it.

Mr. HAMILTON. Thank you.

Ms. HARMAN. And to Mary Fetchet, I know she is there. I cannot see her from here. There she is. You are amazing. And that you hang in this fight is a true testament to your own courage. And we could never have gotten this far without you.

So thanks again. It is great to see you.

I support the bill. And I support the fact that it will send money to the right places, whether they are in my district or not.

I would just point out, as all of us know, that ports, especially container ports, are especially vulnerable and so are certain air-

ports. Some of those happen to be in and around my district, but that is not why I support the bill.

If a rural area has a vulnerability, then it should get the money. It is not about my district and your district. It is about our country.

And as I have pointed out a thousand times, the terrorists are not going to check our party registration or what district we represent before they blow us up. So we better get. And we better have risk-based, threat-based funding and strategies for the homeland.

I just want to talk about one issue for a moment with our witness and that is interoperable communications. Obviously, sending more money to the right places will open up an opportunity to fund the hardware and software that goes into fixing a huge problem identified by the 9/11 Commission and that was the lack of interoperable communications, particularly in New York City.

We needlessly lost many firefighters because they could not pick up the signals from the NYPD helicopters circling over the buildings that were glowing red and that the police people knew would fall down imminently. At any rate, money to first responders for this problem is part of the solution. The other part of the solution is dedicated analog frequency.

And for years, Congressman Curt Weldon, a member of this committee and vice chairman of the Armed Services Committee and head of the Fire Caucus, and I have had a bill to keep Congress's promise to turn over, by the end of next year, dedicated analog frequency for emergency communications. The problem we have is that the broadcasters, who occupy only a small portion of that frequency, are pushing back. And so Congress does not act.

I would just like to ask our witness whether he thinks this need is critical and for any suggestions he has to break the logjam.

Mr. HAMILTON. Yes, I think it is critical. It is one of the remaining recommendations of the 9/11 Commission. And this really was an easy recommendation to reach, that you have this interoperability.

It is almost beyond belief, frankly, that when you have all of the fire people and all of the police people coming together at the scene of a disaster that they cannot communicate with one another. In this day and age, it boggles the mind. And, as I understand it, it is still the case in a lot of areas in the country.

And it is a serious one. So we think it is urgent, again for the safety of the American people, that first responders be able to communicate with one another as they approach the scene of a disaster.

Now I am not an expert on the radio spectrum. I know there are huge economic interests involved there. It is a very valuable piece of property. And how you work through all of this problem, I am not sure, Ms. Harmon, that I can be very helpful to you. But I think it is urgent that it be done.

I do not see how you can walk away from the questions of homeland security and leave this problem unresolved. If you just think about the possibility of losing lives again because we cannot communicate with one another, it kind of boggles the mind.

So I applaud what you said. And I appreciate what Congressman Weldon has done on this. And I surely hope that it can be worked

through. And I know all the other commissioners feel the same way.

Thank you for raising the question. It is an important one.

Chairman COX. The gentlelady's time is expired.

The gentleman from Nevada, Mr. Gibbons?

Mr. GIBBONS. Thank you very much, Mr. Chairman.

And, Mr. Hamilton, welcome again. It is great to see you, sir.

Mr. HAMILTON. Thank you.

Mr. GIBBONS. Mr. Chairman, before I begin my 5 minutes here or finish my 5 minutes, I do want to introduce some very special people that have attended this hearing with us in the audience. Mr. Jerry Bussell, in the back, has brought the University of Nevada at Las Vegas' Executive Master of Science first graduating class here, in Crisis and Emergency Management Program, which I think is important for them to hear what Congress is hearing with regard to homeland security.

And it is great for them to have an opportunity to hear also Mr. Hamilton discuss this. So I just wanted, Mr. Chairman, to recognize their presence and welcome them as well to the hearing.

Chairman COX. The committee is very pleased to have our special guests today. And you are all here for a very consequential meeting of the Congress.

Mr. GIBBONS. Thank you.

Mr. Hamilton, I know that as we look at the whole distribution formula, the current formula today is so difficult to understand that even members within the Homeland Security Department responsible for spreading the resources out based on a formula cannot figure it out. It is that difficult.

And we are looking now to change that in this bill, of course. I guess my question is: if we look at this group, this panel that is responsible for establishing criteria, for example, of who is at risk here, what in addition to simply experience at risk assessment should these people have?

For example, should there be a regional expertise? How do we keep politics, once again, from bubbling into this formula, bubbling into these decisions, where large cities, large communities—yes, indeed—may have great populations but low risk, still weigh in very heavily with the political clout that most large cities can?

And the second question, if you would answer for me as well, is the number one defensive resource that we have in homeland security is good intelligence, prevention of the act before it ever takes place. How do we share intelligence down at the local street level?

How do we get the firemen, the cop on the beat, that intelligence, which we have been struggling with for a long time, down to them? How can we break that barrier today?

Those two questions, Mr. Hamilton, I would be very interested to hear your answers.

Mr. HAMILTON. I think, Mr. Gibbons, you raise two very good questions; very difficult to answer.

With regard to the criteria question and the regional perspective that you raise, I do not think there is any substitute in homeland security for knowing intimately your own community and what its vulnerabilities are. In many ways, Washington cannot do that.

You know how vulnerable your water supply is. You know how vulnerable your major plant is in your community. And you have to make these judgments at a local level, it seems to me.

And part of that is—has to be—a regional consideration. You have so many communities in the United States today that cross state lines. Metropolitan centers cross state lines. And so regional cooperation becomes crucial, it seems to me and is very, very important.

The question of sharing intelligence, of course, is at the heart of the reorganization of the intelligence communities. I really believe that Director Mueller and the homeland security folks under the new Secretary are focused very much on this question and they are trying to improve the quality of intelligence that flows up and down.

In some areas, I think the problem has been hugely improved; and in others, probably not. But I think there has to be a constant effort at the Washington level to see that all of the best information we have and intelligence we have flows down to the first responders in the communities.

So I am not pessimistic about that at all. I think it is underway. But we have a long way to go on it.

And it is crucial because my experience is that these first responders in the local communities are desperate for information. And they really need that information in order to protect their community. So it is critical.

I would hope that you—and I am sure you will—continue to press the FBI and the homeland security people on distributing information up and down the chain. It is very critical.

Mr. GIBBONS. Thanks very much.

Chairman COX. The gentleman's time is expired.

The gentleman from North Carolina, Mr. Etheridge?

Mr. ETHERIDGE. Thank you, Mr. Chairman.

Mr. Hamilton, let me join the chorus of those who are thanking you not only for your service as co-chairing this commission, but for your service to our country.

And Mary Fetchet, you know, all you have to do is look at her background and find out she was a social worker and you understand why she has been so persistent and got the job done.

Let me ask you a question because we are talking about allocation of resources and identifying vulnerabilities. But over the last several months, I have heard from a number of constituents, including local government officials, in this whole area. And I would like to hear your comment on it.

Because they have called my attention to the fact that local 9/11 emergency networks are not considered a part of the first responder network. As a result of that, they have not been able to receive any funding.

And the 9/11 Commission put a lot of emphasis on the importance of interoperability communication among first responders. So my question would be: how important is it to make sure this group is included in that category, even though there are limited funds?

Because without that, even though that is locally funded currently, in some cases, if they do not get some additional funding,

we may not have a center. And of course, interoperability is not there. I would appreciate your comments on that.

Mr. HAMILTON. Mr. Etheridge, you are a little bit beyond my area of expertise on this. We thought of interoperability largely in terms of the first responders.

You are raising the question, I guess, of whether the 911—

Mr. ETHERIDGE. Well, really it is a 911—

Mr. HAMILTON. Oh, 911.

Mr. ETHERIDGE. Yes, and that is a part of that because that is the clearinghouse for all these interoperability pieces. That is where it goes through.

Mr. HAMILTON. That is right. And in most communities I am familiar with, in my state, they are now setting up those centers, run by the 911 groups. I do not see how you could expect those groups to respond to tragedy or a disaster in their communities unless they are linked into the communication process. It would be essential.

Mr. ETHERIDGE. I thank you because I happen to agree with you. And I think that is just an oversight. And I hope we can correct that.

Thank you, Mr. Chairman. I will yield back.

Chairman COX. Thank you.

We have a little bit of time left, but Mr. Pearce, you have the floor.

Mr. PEARCE. Mr. Hamilton, you have said that we know what terrorists want. If you look worldwide, what is the minimum number of casualties that have ever been in a terrorist attack?

Mr. HAMILTON. The minimum number?

Mr. PEARCE. Minimum. Yes, sir.

Mr. HAMILTON. I do not think I know that.

Mr. PEARCE. Okay, I do not either. But I think we could say five or six or eight.

Mr. HAMILTON. Yes.

Mr. PEARCE. So I think you are coming into the discussion with some assumptions that I worry about, frankly. And I appreciate your testimony. And I appreciate you trying to get your hands around this.

But when I hear you say that we know what terrorists want, I think that we do not. I think I remember the United States setting up a TSA that began to check for box cutters until the shoe bomber came along and then we began to have people take off their shoes.

I think the terrorists are going to be moving one step ahead of us. And that is critical because when we set up objective criteria, what happens is we base objective criteria frankly on our personal perceptions without much ability to assess the risk.

Where this plays out then is in the assumption that rural areas somehow probably do not have as much objective criteria when, in fact, I think they do. For instance, we can try to ensure that New York City is not hit again and protect the tall buildings there, while ignoring the fact that along the Mexico border in my district, we have probably 200 miles of border with no fence.

Now we have had reported instances of Al-Qa'ida coming across the border in those unprotected areas. And so while we objectively evaluate those high-risk areas or populous areas, we ignore the

real potential to scoot out and give protection from even the people entering the country.

And as I read your testimony, I do not really find hope that that objective criteria is actually going to do much more than measure population base. And that is going to concern me very much.

I am also concerned on page three, I would ask if you noted in your study any misappropriation of funds by a populous area? I am sorry. It is not on page three. I am just asking you, in your work on the commission, did any populated areas misspend money?

Mr. HAMILTON. Mr. Pearce, I do not know the answer to that question. I presume they probably did.

Mr. PEARCE. I presume they have. And yet I find a prejudicial statement on page three that says, "While major cities stretch their budgets to cope with the constant terrorism threats, sparsely populated counties have used their grants to purchase extravagant equipment."

Now if we are going to assess misappropriation of funds, we should also look both at populated counties and unpopulated. So to me, sitting here representing an area where we have, I think, 30 square miles to the individual, this appears to be one more effort to simply redirect funds under a different name.

Not saying that we do not have concerns, but I do not think that we know what terrorists are going to do next. I think we are going to spend our money based on the last time.

I think we are going to spend it in populated areas where we could potentially stop the threat out away from there. I think we are going to underestimate the ability of the rural areas to have value.

And again, an anecdotal comment about that is that the Oklahoma City bomber was supposedly stopped by a first year sheriff's deputy somewhere in the Midlands.

Mr. SHAYS. [Presiding.] I am just going to interrupt the gentleman just to say there are just 2 minutes left.

Mr. PEARCE. Yes. And he did not recognize what the sign was of a rental truck with fertilizer spilling out the back gate meant. And if we had simply trained these people out there, we might have interdicted.

So those are my comments. And I appreciate it. We have to shut down and go vote, but thanks.

Mr. SHAYS. And I thank the gentleman for his very pertinent comments.

Mr. DeFazio has the floor for 5 minutes.

Mr. DEFAZIO. Thank you, Mr. Chairman.

Good to see you again.

Mr. HAMILTON. Mr. Chairman, I do want to respond to that.

Mr. DEFAZIO. Sure, you respond on his time.

Mr. SHAYS. Let me just say, I wonder if we could make a deal? You need to leave at 12 o'clock and it is 5 minutes until 12 o'clock. But if we go by the clock behind you, we have one-half hour more with you.

[Laughter.]

But I am just giving his choice. Well, he just has to vote. The problem is you have a vote; 1 minute until they close the machine.

Mr. HAMILTON. I think we do know what the terrorists want to do strategically overall: they want to kill us. They want to attack the symbols of our power.

We know that from the fatwas. We know that from the intercepts and all the rest. And that is what I meant when I said we know what to expect.

You were referring, I think, more to tactics. And you are right about that.

Mr. PEARCE. Mr. Chairman, I would like to respond to that.

Mr. SHAYS. The gentleman needs to use the microphone. You can use the microphone right there. You can just use any microphone.

Take your time.

Mr. PEARCE. We uncovered at the same time we discovered the plot or the actual attacks is that there was one time when they were going to explode airliners over the ocean, 12 of them. Now their intent is to disrupt and to put fear.

And I think when we begin to say that we can establish objective criteria to evaluate the highest risk level, I think that is trying to really box in a situation that cannot be boxed, frankly. And I appreciate what you are saying.

Mr. HAMILTON. Yeah, it is a judgment call. And you might very well determine, for example, that the largest threat is the people moving across that border. And that is where the homeland security funds ought to go if that is what the intelligence suggests.

Mr. SHAYS. I just want to say that the chair will note the passion of the gentleman, giving that he was willing to miss this vote.

At this time, Mr. DeFazio has the floor.

Mr. DEFAZIO. Thank you, Mr. Chairman, again.

Mr. Hamilton, always good to see you, Lee.

I was going to follow somewhat on the same vein as Mr. Pearce. But first, just each state and city should have a minimum infrastructure for emergency response. That is in your testimony. And I would first go there.

Interoperable communications, as Ms. Harman noted, were a critical missing factor in New York, but they are a critical missing factor all across America. I mean, we have all of our first responders, many of them incapable of communicating with one another, incapable of communicating with the state, the state incapable of communicating with the feds.

They are all on different frequencies, different systems, different software. So how high of a priority do you put on a national system of secure, interoperable communication? I mean, would you say that is part of a minimum infrastructure?

Mr. HAMILTON. I think we looked at this business of interoperability more on the local than on the national level, the key being the fire and the police and so forth being able to respond locally. Now sometimes that is regionally, but we had not thought of it in terms of a national interoperability.

I do not even know what the technical problems may be there.

Mr. DEFAZIO. Well, you know, our emergency response network depends upon people basically in many places; public radio, sometimes private radio stations being the broadcast for emergency to local populace. Many of these stations because of mergers and buyouts do not have anybody there.

We have not set up like an automated way federally even to interrupt and say, "Okay, the federal government has the capability and we want to broadcast the message. We can just do it. Bounce it off a satellite, it goes down and it goes on to everybody's frequency."

There has to be somebody there to flip the switch. And a lot of times there is not someone there to flip the switch. That is one side of it.

The other side is the first responders. You know, if my police and fire locally can communicate, but shouldn't we set some federal standards and the federal government participate so that everybody who is authorized can link in?

It should not just be Eugene/Springfield; it should be Eugene, Springfield, maybe Salem, maybe Portland, maybe the whole state, state police. And then wouldn't it be nice if the feds could tie in with it?

It seems to me that that is something that should be desirable. And it is something that is quite expensive. And this is where my rural counties and communities have put their requests.

And we have enough money to fund, I think, one-twenty-sixth of one county's interoperable communications through the federal grant. And I would not say that that is a misspending of money.

I cannot account for other places around the country where rural areas may have grants that were wasted. But we are spending it on something that I am trying to get money in the highway bill now to help with this because there is a way I can actually do that under the definition of the highway bill.

But it is critical, I think, that kind of communication. And I would hope that you would be supporting that as part of a minimum infrastructure.

Mr. HAMILTON. Yeah, it is a very good point. We said that each community should have a minimum capability for emergency response. We did not recommend a specific percentage in the bill.

Our overall view would be that establishing a minimum capacity should interfere as little as possible to the overall risk-based allocation. That would be our general principle. And we believe H.R. 1544 meets that standard.

Mr. DEFAZIO. And I am a cosponsor, but I have some concerns. And I will continue to pursue them as we move the bill forward.

But the thing would be, as Mr. Pearce said, these are people who are mutating, evolving. I have often referred to Project Bojinka, the 12 747s simultaneously only uncovered by mistake and stopped because a Filipino police sergeant caught the people.

Our intelligence people did not have the slightest idea of what was going on. So I worry that there are things like that out there that we do not have much of an idea that they are planning.

And I would suggest that 20 suicide bombers simultaneously in malls across America could be a pretty symbolic hit and not just going after the Statue of Liberty or the Washington Monument or Washington, DC or New York, but could suddenly cast fear in the entire populace. And they have a plan to go after our economy.

We are unfortunately a consumer-based not a production-based economy anymore. Something like that.

I mean, I would hope that we do not get too inflexible in saying, "The objective is to go after symbols of power,"—Washington, DC, New York, maybe the Port of Los Angeles—and dump all our money in there.

Mr. SHAYS. Give him a 5-second answer.

Mr. HAMILTON. What constitutes a threat at any given time will change. And it will evolve over time. And you simply have to keep up to date on what your current intelligence is with regard to these risks. And you are probably not going to get the kind of intelligence that says, "We are going to strike the World Trade Towers at 9:00 in the morning on Tuesday."

So I am not differing with you here, I do not believe. I can understand the points that you have made. But the allocation, except for the minimum capability, should be made on our best judgment as to what the risk is.

Mr. SHAYS. Mr. Hamilton, we have three members who have stayed. If we gave them about 3.5 minutes each, do you think you could help answer each of them? Mr. Lungren is next.

Mr. HAMILTON. Absolutely.

Mr. LUNGREN. Thank you, Mr. Chairman.

And Lee, I very much appreciate your work and your dedication. But particularly, I appreciate the succinctness and directness of your statement here today.

You understand this place very well. And you understand the difficulties we have, the further we get away from 9/11, to continuing to focus on the threat and getting away from, some would call it pork-barreling, but others would just call it population-based funding.

To that end, one of the ways that we can make sure that we not confuse homeland security funds with, let's say, FEMA funds or funds that go for natural disasters is to essentially articulate the unique nature of our homeland security threat, the terrorism threat. Could you articulate how, in the 9/11 Commission, the findings you made and the conclusions you reached, would show this to be a unique threat requiring a unique response?

Mr. HAMILTON. Well, Mr. Lungren, it is a unique threat in the sense that the country has not faced anything like it before. And while our knowledge is not perfect about the intent or the capabilities of the terrorists, it is better than most people may think.

And we have a very clear idea of what they want to try to do, it seems to me. We interviewed over 1,500 people in the process of putting together the report.

We asked every one of them about the terrorist threat, all of the experts on it. And without exception, they said that another terrorist strike would come in this country.

I do not think any of them said they did not expect another terrorist attack. If you talk to the people who are experts in national security in this country, I think without exception, they would say that the number one national security threat to the United States is terrorism.

And so major efforts of our government must be—the national security part of the government—must be directed towards preventing those attacks if we possibly can. We do not think there is reason for complacency.

We have now gone more than 3.5 years since 9/11. We have been very fortunate. We have not had an attack on American soil.

And many people draw the conclusion there from that this threat is diminishing. The commission did not share that. And I do not know that national security experts—any of them—would share the view that an attack is less likely.

Mr. LUNGREN. I thank you for that. The reason I bring it up and ask for your emphasis is because the only way we are going to ensure that we have risk-based funding, risk-based strategy, is if we understand what the threat is.

And if we do not do that, we will devolve into business as usual. And I know that is not what you want. It is certainly not what the country can afford.

Mr. HAMILTON. I should probably point out that if you look at the time since 9/11, there have been more terrorist attacks around the world than in a comparable period to 9/11. We were fortunate none of those have occurred here.

Mr. SHAYS. The gentleman's time has expired.

Mr. Pascrell? We are only going to be able to get to Mr. Simmons on this round.

Mr. PASCRELL. Thank you for your service, Mr. Hamilton. And the 9/11 Commission Report will go down in history, I think.

Secretary Chertoff said yesterday that there are no guarantees in what we are doing. So what we want to do is minimize the vulnerabilities. And I think you laid it out very clearly in the 9/11 Report.

I want to go to one issue that has not been touched upon today and that is the issue of personnel and staffing. What extent do you view, from what you have learned and the witnesses that you have talked to, staffing shortages in first responder disciplines as an impediment to security?

And it is not less true for being a cliché at this point, but year after year, what we are hearing is that two-thirds of all career—in volunteer fire departments, for instance—do not have sufficient personnel. I think this probably troubles you. And do you think that this is worthy of a subject that you can respond to this morning or this afternoon?

Mr. HAMILTON. Well, I think it is a fundamental point that you raise. There is just no question about it. It does not matter how much money you have. It does not matter how well the organization is put together.

If you do not have good people, it is not going to work. And those people in the first responder cases have to be highly trained.

I have asked myself a thousand times, we heard all of this testimony about these firemen charging into these World Trade Towers on 9/11. And they went right up the stairs, a building that was aflame.

I have asked myself a thousand times whether I personally would have had the courage to do that. I think the answer is I would not.

Why did they do it? They did it because they were highly trained. They were trained to do that. And they saved a lot of lives in the process.

Training can overcome fear. And it did in this instance. So you cannot substitute for highly trained personnel in the first responder area—police and fire, as well as medical.

Mr. PASCRELL. Thank you. And I know we have one more.

Mr. SHAYS. That is nice because maybe Mr. Dent could get a minute question in too. But Mr. Simmons has the floor now.

Mr. SIMMONS. Thank you, Mr. Chairman.

And thank you, Mr. Hamilton, for your service and for being here today.

I have an intelligence question. You have mentioned intelligence quite a bit. I know you have a tremendous background and experience in intelligence.

When we talk intelligence, we tend to think about the intentions and capabilities of our opponents and what can we do to judge those intentions and capabilities and to thwart them? But in the area of homeland security, we have a whole new area for intelligence, which goes to the issue of assessing vulnerability and the consequences of attack.

Let me give you an example. The chicken farms in my district in Connecticut are highly vulnerable to terrorist attack, but the consequences of attacking a chicken farm are probably relatively low, except perhaps for the chickens.

By the same token, water supplies have high vulnerabilities, but the consequences of poisoning a water supply is also very high. And as the Department of Homeland Security moves forward to assess the infrastructure of this country, it seems to me that that lends itself to open-source acquisition and analysis; in other words, it lends itself to open-source intelligence.

Perhaps more than any other organization or agency in our government, the Department of Homeland Security has a responsibility for infrastructure protection. They have an intelligence capability. But a lot of what they are doing is assessing vulnerability and consequences.

Now your 9/11 Commission report called for an open-source capability. And the recent Robb Report did the same.

Would you respond to that statement?

Mr. HAMILTON. You have had a lot of experience too in the intelligence area. Your comments, I think, are quite insightful.

There is a tendency, as you know, in the intelligence community and outside the intelligence community, to think that it is very secret stuff and that you deal with spies and fancy technology that gives you all this kind of information nobody else has. All of those things are important, you and I would agree.

But an enormous amount of information is available openly. And we have to improve our capabilities to use open sources.

If you look back on 9/11, you cannot help but think to yourself, "Why didn't I see it coming?" We all knew about the bombings in East Africa. We all knew about the Acropolis. We know about the intelligence. We knew about the USS Cole.

And you just go on and on and you say to yourself, "How in the world did we miss it?" All open sources. It is not a question of President Bush or President Clinton having information that nobody else knew.

All of us knew, from open sources, of the terrorist threat. We just did not get it.

So open sources become terribly important. And the intelligence community, I think, tends to—you would know better than I—but I think they tend to kind of overlook open sources a lot.

They say, "Well, I have the technology and stuff and I have the spies, the information from the spies. So therefore, the open sources are not all that important." It is. It is terribly important.

Mr. SHAYS. The gentleman's time is expired.

Mr. HAMILTON. And your point about assessment of locality possessing and the consequences in localities is just critical.

Mr. SHAYS. We are going to get you out of here with just Mr. Dent with a minute or two.

Mr. HAMILTON. Thank you.

Mr. SHAYS. Thank you.

Mr. HAMILTON. I appreciate your consideration.

Mr. SHAYS. We appreciate your consideration.

Mr. Dent?

Is your microphone on, sir?

Mr. DENT. I guess it is now.

First, thank you again for your service to our country on this commission, Mr. Hamilton. It is extraordinary. And appreciate the work you did, particularly with respect to Need to Know and Need to Share, information sharing; all that in the 9/11 report was extraordinary. And I appreciate your support of this legislation we are considering, H.R. 1544.

If we do everything right on this committee—and we have a lot we can all be very proud. But one issue that I am concerned about and it is something that I would ask your guidance on is the issue of Nunn-Lugar.

We know that there is unsecured nuclear material in the former Soviet Union. What can this committee do to help advance that process of securing that type of nuclear material?

It is clear to me that our nightmare scenario is a nuclear device that is detonated in one of our major metropolitan areas. And that is preventable if we secure that nuclear material.

This committee does not have jurisdiction over Nunn-Lugar or a lot of the activities that go on in Pakistan or in the former Soviet Union. What can we do though to help keep the pressure on to secure that material?

Mr. HAMILTON. I think you just have to recognize the importance of the Cooperative Threat Reduction Program or Nunn-Lugar and understand that, in my view at least, there are very, very few dollars spent in national security that have a bigger payoff than trying to locate and secure these materials.

And the threat is great today and it will probably get greater as the technology spreads and as the information spreads. Your committee does not have jurisdiction. But every one of you know the members of the committees that do have jurisdiction.

And you have an opportunity to speak to this point many times. I am very pleased that you brought that up. This was an area too where the commission easily reached agreement.

You probably get the biggest bang for your buck in national security by increasing funding for Nunn-Lugar and the Cooperative

Threat Reduction Program. I do want to say, however, that it is not just a question of funding. There are some really difficult problems here.

I worked with Senator Baker on another commission that looked specifically at the former Soviet Union on this matter. Personnel staffing is a huge problem here, getting people to go into these areas, work in the Russian language or whatever for years and years at a time.

And there is another problem that is a difficult one and that is that the Russians always raise with us the question of reciprocity. In other words, we say to them, "Okay, we want to come in there and look at your nuclear facilities."

And they say to us, "Okay, we would like to look at your nuclear facilities." Well, we have some questions about that. And the question of reciprocity is the big one.

So there are a lot of problems here other than money. But your point is very well taken.

I think it is a program that needs much, much heavier emphasis. And I would let you know that the commission, all of us, would be strongly supportive of efforts to strengthen that program.

Mr. SHAYS. I thank the gentleman.

Mr. Hamilton, all the committee thanks you for your good work. And I know you will be back often because we need your advice.

Mr. HAMILTON. May I also say that I too have the highest regard for Mary Fetchet? She is going to succeed me here at the microphone in a few minutes. She was tremendously helpful, as were many of her colleagues, in the work of the commission and has been an extremely dedicated person.

Mr. SHAYS. She has been. And we just have to make sure that she does not get carried away with all this praise, which was all very justified.

We will adjourn because we want the full committee to hear the next—excuse me, recess. Excuse me. The power of the gavel. We will recess.

Thank you, Mr. Hamilton.

We are going to recess so that the next panel will be able to speak to the chairman and the other members. We expect votes fairly shortly, is what they think. And there will be two votes, so we cannot kind of keep running.

So with that, we are in recess.

[Recess.]

Chairman Cox. [Presiding.] The Committee on Homeland Security will come to order. I want now to welcome Ms. Mary Fetchet, founding director of Voice of September 11. We will introduce in turn our remaining witnesses.

Ms. Fetchet, you are recognized for purposes of summarizing your written statement. Thanks for being with us.

STATEMENT OF MARY FETCHET

Ms. FETCHET. Mr. Chairman and Ranking Member Thompson, I am honored to testify before the House Committee on Homeland Security today. Thank you for the opportunity to discuss my perspectives on first responder grant reform legislation.

My name is Mary Fetchet. I am founding director of Voices of September 11, a 9/11 family advocacy group providing resources to those impacted by the events of September 11.

We supported the creation of the 9/11 Commission and legislation based on the 9/11 Commission recommendations. I want to express my deep gratitude to Governor Kean and Mr. Lee Hamilton for their leadership in producing a comprehensive report and support their goals for the 9/11 public policy reform and preparedness.

My 24-year-old son, Brad, died on September 11. And I would like to share Brad's photograph with you to put a face—a human face—on one of the nearly 3,000 sons and daughters who perished on 9/11.

On September 11, 2001, I was not aware that there was a threat of terrorism. And I certainly did not know that my young son's life was at risk just by virtue of the fact that he worked in New York City.

I assumed our government was taking the steps necessary to protect us all. I assumed that our first responders would be prepared for any emergency.

Like so many Americans, I was living with a false sense of security. Brad worked on the 89th floor in tower 2 of the World Trade Center. On 9/11, Brad was directed not to evacuate, but to remain in his office after Tower 1 was hit.

Firefighters were sent into the buildings with equipment that did not work and still may not work today. They could not communicate.

The consequence of these communication failures and lack of preparedness resulted in 600 to 700 deaths in Tower 2. From that day on, Mr. Chairman, I felt it was my moral obligation to do everything I could to ensure that our government was taking all possible steps to protect our country.

I consider this my life's work.

Just 2 weeks ago, I was notified of my son's remains for the fifth time, almost 4 years after his death. I will spare you the horrific details.

Many families share this same experience. And nearly 1,600 families have had no notification. Their loved ones simply vanished.

I feel it is important to share this very personal experience with you to provide some insight into the challenges our families face and impress upon each of you the importance of your efforts to protect our country. The loss of life on 9/11 is a consequence of a complacent government. We can no longer escape the reality that the lives of Americans are at risk today, especially in high-risk areas.

Although the sweeping intelligence reforms signed into law by President Bush in mid-December 2004 are significant, they are only the beginning. One of the critically important issues that remains to be addressed is how homeland security funds are allocated to provide national security and preparedness.

Mr. Chairman, regrettably, Congress traditionally allocates money to advance the interests of members' home states or districts. As the 9/11 Commission wisely told us, "Homeland security assistance should be based strictly on assessment of risk and vulnerability. This issue is too important for politics as usual to prevail."

We do not have unlimited resources and cannot afford to squander anti-terrorism monies. Earmarking, pork-barrel spending, working the system, lobbying—these are all unacceptable ways of allocating homeland security funds.

First responders in high-risk situations must be prepared. It would be tragic if those who are putting their lives on the line for us did not have the necessary equipment because Congress misspent funds as pork-barrel politics.

High-risk areas must be identified and be a priority. We have learned much about how terrorists work. They want to attack high-impact targets that will cause mass casualties.

They would like to destroy the nation's critical infrastructure, our nuclear, chemical and power facilities, our transportation and telecommunications centers, our food and water supplies. But not all targets and locations are as likely to be attacked.

We know, for instance, that high-rise buildings in cities are a vulnerable target. They are difficult to defend and difficult to evacuate. It takes more money to protect them and more resources to be prepared to respond. And the sheer number of people coming and going make it harder to stop terrorists.

Cities are at higher risk. We need to protect those targets that are at most risk. And more funds must be allocated for their defense and first responders.

A pure assessment of risk must be guided by our homeland security decisionmaking. In this regard, I wholeheartedly support the 9/11 Commission recommendation to establish an independent panel of security experts to develop written benchmarks for evaluating community needs.

Such a board would be able to prioritize threats and make independent judgments untainted by politics. They could render their best advice to the Secretary of Homeland Security and to Congress.

Mr. Chairman, forgive me for my directness here. But our country's safety is at risk. And it is my responsibility to speak with utter candor and honesty.

To allocate funds in any other way than based on risk assessment would be to squander national treasure. If we do not do this right, there will be inexcusable imbalances in our homeland security. How could this ever be justified in the event of a future attack?

I am heartened by recent public statements of Secretary Chertoff, who emphasized that the Department of Homeland Security will follow a risk-based approach in its policies and decision-making. That same approach must guide the allocation of funds.

Tragically, on 9/11, my son Brad received bad information that caused him to remain in the World Trade Center tower while it was under attack. We can never make such mistakes again. And we can never allow another 9/11 to happen again.

I think of my 24-year-old son, Wes, who, just as his brother Brad did, lives and works in New York City. Today, I am concerned about his safety. We owe them our best thinking and our best efforts to implement the measures that will keep our families safe.

Once again, my deepest thanks to you, Mr. Chairman, and your committee colleagues, for holding this important hearing and for your leadership in protecting our country. I pledge my energy to co-

operate with you and the government. And I want you to know that Voices of September 11 stands ready to assist in any way we can.

I now look forward to responding to your questions.
 [The statement of Ms. Fetchet follows:]

PREPARED STATEMENT OF MARY A. FETCHET

Mr. Chairman and Ranking Member Thompson, I am honored to testify before the House Committee on Homeland Security today. Thank you for the opportunity to discuss my perspectives on First Responder grant reform legislation. On September 11, 2001, my 24-year old son, Brad, died in the World Trade Center with the sons and daughters of nearly 3,000 other mothers. From that day on, Mr. Chairman, I felt it was my moral obligation to do everything I could to ensure that our government is taking all possible steps to protect our country. I consider this my life's work.

Shortly after my son's death, I co-founded *Voices of September 11th*. *Voices* began informally in my home in October, 2001. We held weekly meetings in which family members of the victims of 9/11 shared pertinent information. In a time of great grief and unimaginable trauma that support meant so much to those who had lost loved ones.

Today, *Voices* has grown into a multi-faceted organization that both here and abroad provides resources and support to more than 4,000 families, survivors, and others impacted by the events of September 11th. We advocate strongly for the implementation of the 9/11 Commission's recommendations; and we urge federal, state, and local authorities, and the private sector to join together to plan for how best to be prepared for, and respond to, possible future attacks. Through our "Building Bridges" program we are fostering better relationships internationally.

I think of my life in 2 chapters—before September 11th and after September 11th. When I reflect on the past 3 years, I'm shocked by how dramatically my life has changed since my son's death. Before September 11th I worked as a clinical social worker, and like most mothers, I was focused on the everyday needs of my family. I had no interest in politics and paid little attention to the political system. At that time I didn't know that there was a threat of terrorism, and I certainly didn't know that my young son's life was at risk just by virtue of the fact that he worked in New York City. I assumed that, with respect to the defense of this country, the government was taking the steps necessary to protect all of us.

After September 11th, I learned that I, like so many other 9/11 family members, indeed like many other Americans, had been living with a false sense of security, and that my assumptions had been mistaken. I was thrust into the political arena and forced to understand complex issues and navigate several complicated bureaucracies. Much to my surprise, through my involvement I have become educated on intelligence reform, preparedness and other homeland security issues, and on navigating the political system.

Along with other family members and many legislators I advocated for the creation of the 9/11 Commission. *The 9/11 Commission Report* was published late last July after the tireless efforts of the Commission and its staff. Among its many important findings we learned that the attacks on September 11th were a result of systemic government failure. Those failures are by now well documented and I do not wish to dwell on them here. Now we must move beyond the problems of the past and focus on defense, prevention, and preparedness.

Following the publication of *The 9/11 Commission Report*, we joined a bi-partisan effort of Congressmen, Senators and the 9/11 Commissioners to push for legislation based on the Commission's recommendations. The sweeping intelligence reforms that the President signed into law in mid-December, 2004 are significant, but they are only the beginning, there is much more left to do.

One of the critically important issues that remains to be addressed is how Homeland Security funds are allocated in order to provide us the best possible protection. Mr. Chairman, regrettably, Congress has traditionally allocated money to advance the interests of Members home states or districts. The way in which homeland security funding is allocated must break with this prevailing practice. As the 9/11 Commission wisely told us: "This issue is too important for politics as usual to prevail."

The intense pressure on Senators and Congressman to bring home federal money is pervasive and hard to resist, but it must be avoided. Each and every town, city, county and state honestly believes that its own project or concern is valuable and pressing and demands immediate federal funding. I do not question the sincerity of such concerns, but we must insist on common sense.

Politicians are intelligent, capable individuals. But even if every single one agreed not to use Homeland Security money to fund unnecessary projects in their state or district, politicians are busy. They are in meetings, committee hearings, reviewing votes on hundreds of issues and running campaigns, among other things. There must be an infrastructure in place to allocate funds which transcends politics entirely.

Earmarking, pork barrel spending, working the system, lobbying—these are unacceptable ways of allocating Homeland Security funds. Having money allocated to First Responders impeded by unnecessary regulations or paperwork, by politics, or by any typical bureaucratic obstacle is simply unacceptable.

If we ask our first responders in high risk situations or high risk geographic areas to function within a bureaucratic system based on political maneuvering or arbitrary means, then we have already failed. It is that simple.

We have learned much about Al-Qa'ida and Islamist extremists and what they want to target to spread terror: they want to cause mass casualties; they want to strike centers of national economic and political power; they would take delight in attacking targets of high national symbolic value; and of course they would like to destroy the nation's critical infrastructure—our nuclear, chemical, and power facilities, our transportation and telecommunications centers, our food and water supplies. Thus, not all targets and locations are as likely to be attacked.

We know, for instance, that high rise buildings in cities are a vulnerable target. They are difficult to defend and difficult to evacuate. It takes more money to protect them and more resources to be prepared to respond. And the sheer number of people coming and going make it harder to stop terrorists. Cities are at higher risk and should have more funds allocated to their defense and first responders.

We need to use brain power and common sense here. We need to protect those targets that are most at risk.

A pure assessment of risk must guide our homeland security decision making. We must strive for the greatest possible objectivity in determining where we need to dedicate our limited resources to prevent, respond, and recover from an attack.

In this regard, I wholeheartedly support the 9/11 Commission recommendation to establish an independent panel of security experts to develop written benchmarks for evaluating community needs." (*The 9/11 Commission Report*, p. 396.) Such a board would be able to "prioritize" threats and make independent judgments untainted by politics. They could render their best advice to the Secretary of Homeland Security and to Congress.

Mr. Chairman, forgive me for my directness here, but our country's safety is at stake, and it is my responsibility to speak with utter candor and honesty. To allocate funds in any way other than based on risk-assessment, would be to squander national treasure. Our leadership will be negligent if it does not set priorities and make decisions based on where the greatest risks lie.

If we do not do this right, there will be inexcusable imbalances in our homeland security: places will be protected that are not at risk, less money will be available for those places that are at high risk, and our financial reserves will be depleted. How could this ever be justified in the event of a future attack?

We must do everything in our power to prevent a future attack. If we fail, then we must be prepared to respond. There can be no compromise on these points. Politics as usual—on this issue—is simply not acceptable. The American people will not stand for it.

Establishing the 9/11 Commission was a difficult challenge. Against great odds it produced a document that is unique in America's history. I have read the Commission's report and re-read it. There is so much wisdom in it. Speaking on behalf of *Voices of September 11th*, I want to express my deep gratitude to Governor Tom Kean and Mr. Lee Hamilton, the Chairman and Vice Chair of the Commission. I would also like to thank the Commission's remarkable staff for their accomplishments and dedication. Their ongoing participation in educating the public and continuing the national dialogue on the way ahead is vital.

We would do well to heed the Commission's recommendations on so many issues of 9/11. In particular, we must follow their advice on how to allocate funds to protect our country.

It is the solemn obligation of Congress and the administration, indeed it is the fundamental purpose of government, to protect its people. On this specific issue, as on so many others, the Commission has clearly shown us the way. Congress should implement that sound advice. I am deeply heartened by recent public statements of Secretary Chertoff who emphasized that the Department of Homeland Security will follow a risk-based approach in its policies and decision making. That same approach must guide the allocation of funds.

As the threat evolves, we must evolve too. We must learn to work cooperatively rather than competitively. We must learn to work on a bi-partisan basis rather than as two opposing parties. And we must apply funds based on "need" and "risk" rather than on narrow interests, political alliances, and deal-making.

On 9/11, my son Brad received bad information that caused him to remain in a World Trade Center Tower while it was under attack. This needlessly led to his death and the death of 600 others in that building.

We can never make such mistakes again; and we can never allow another 9/11 happen again. I think of my 24-year old son, Wes, who, just as his brother Brad did, lives and works in New York City. We must ensure that all our children who live in cities that are likely to be targets are protected from terrorist attacks. We owe them our very best thinking and our very best efforts to implement the measures that will keep them and all of us safe. This must include establishing and adhering to a system that makes the best possible choices about what most needs to be defended.

Once again, my deepest thanks to you Mr. Chairman and your Committee colleagues for holding this important hearing and for your leadership in protecting the country. I pledge my energy to cooperate with you and the government and I want you to know that *Voices of September 11th* stands ready to assist in any way we can. I now look forward to responding to your questions.

Chairman Cox. Thank you very much for your extraordinary testimony and for all the work that you have done to bring us to this point.

Members will of course have questions after we complete the testimony of all of our witnesses. And it is my privilege next to introduce Inspector Louis P. Cannon, who is testifying on behalf of the National Fraternal Order of Police and is the chairman of the National Federal Officers Coalition.

Welcome.

STATEMENT OF LOUIS P. CANNON

Mr. CANNON. Good afternoon, Mr. Chairman, Ranking Member Thompson, distinguished members of the House committee and, of course, my good friend, Ms. Norton.

My name is Lou Cannon. I am a 32-year law enforcement veteran, currently serving as an inspector with the United States Metropolitan Police and I am also the elected president of the District of Columbia Lodge 1, which represents more than 9,500 law enforcement officers throughout the greater Washington, DC metropolitan area.

Nationally, the FOP is the largest law enforcement labor organization representing more than 318,000 rank and file law enforcement officers in every region of the country. I am here this afternoon at the request of Chuck Canterbury, national president of the FOP, to testify in support of H.R. 1544, the Faster and Smarter Funding for First Responders Act.

Three-and-a-half years have passed since the terrorist attacks on New York and Northern Virginia. In this time, it has become clear that the current system of distributing federal homeland security grants needs to be reformed.

State and local officials, former Secretary Ridge and the 9/11 Commission have all testified that the grant distribution system needs fixing. In the previous Congress, the FOP worked in conjunction with both the majority and minority staff of the House Committee on Homeland Security to address this need for reform.

When all was said and done, the final product was a piece of consensus legislation that had earned broad, bipartisan support in Congress and cross-discipline support from the first responder com-

munity. It passed the House of Representatives in October of last year as part of H.R. 10, the 9/11 Recommendations Implementation Act. And with few exceptions, H.R. 1544 as introduced is identical to the language included in the House passed H.R. 10.

The bill requires the Department of Homeland Security to allocate homeland security assistance funds to states or regions based upon risk. Under the current system, none of the funds available under the homeland security grant program are allocated on the basis of risk.

Instead, each state receives a base amount of .75 percent of the total available funds and then an additional amount based solely on population. Clearly, this method is not the most effective way to distribute federal resources to increase our homeland security.

The Cox-Thompson Bill would lower the guaranteed amount of federal funding that each state receives under the SHSGP to .25 percent and eliminate the practice of distributing additional funds on the basis of population. Instead, the bill would require the department to allocate all available SHSGP funds on the basis of risk, with a subsequent adjustment for states whose risk does not equal the .25 percent guaranteed amounts.

This would result in approximately 99 percent of the money being allocated on a strictly risk-based assessment of need, not an arbitrary formula, as is the current practice. In our view, the legislation appropriately distributes homeland security assistance on the basis of risk. And it is also consistent with the recommendations of the 9/11 Commission, which stated that, "homeland security assistance should be based strictly on an assessment of risks and vulnerabilities."

The administration has already taken the bill's approach in several ways. For example, the basic funding formula was adopted in the most recent budget request and in accordance with HSPD-8. The Department of Homeland Security recently issued the Interim National Preparedness Goals, establishing readiness priorities, targets and metrics.

The FOP believes that the department's efforts to identify national preparedness priorities and baseline capability levels accomplishes the purposes outlined in Section 1803 regarding essential capabilities. And we recommend that the bill be amended to reflect the work already done by the DHS.

One of the essential capabilities defined by the legislation is the levels, availability and competence of emergency personnel. Given the budgetary constraints at all levels of government maintaining the appropriate police staffing levels is a nationwide concern.

In addition to their traditional duties, law enforcement must now shoulder additional responsibilities with respect to homeland security. And I am aware of a number of local departments, both federal and municipal, whose physical difficulties have resulted in loss of officers. This means we must do more with less, which certainly affects our preparedness to some communities.

As this committee well knows, one of the most important activities of all of our nation's homeland security efforts is the prevention of any future terrorist attacks, a responsibility that falls almost exclusively on law enforcement. I would ask that the committee give appropriate consideration to this issue in its oversight

activities and when considering the legislation or other issues which impact readiness at the local level.

The 9/11 Commission also recommended that a panel of security experts be convened to develop written benchmarks for evaluating community needs. Section 1804 of H.R. 1544 would establish a 25-member task force on essential capabilities for first responders to help assess grant applications and work to ensure that different types of communities have access to the federal resources they require to address their unique needs.

The task force must include representation from the law enforcement community, which I believe is particularly important as the views of law enforcement seem to be underrepresented in the planning stages on how to deploy federal resources for homeland security purposes. Because all levels of government are working in a universe of limited resources, we need to prioritize how we spend those resources we do have.

Risk prioritization, honest assessments about how to reduce our vulnerabilities to terrorist attacks, must be the guide by which we allocate federal assistance to state and local levels. And this goal is achieved by H.R. 1544.

The FOP is proud to support the measure. And we look forward to working with both of you as this bill moves through the legislative process.

I would like to thank you, Mr. Chairman, Ranking Member and all members of the committee. I will be happy to answer questions at the appropriate time.

[The statement of Mr. Cannon follows:]

PREPARED STATEMENT OF INSPECTOR LOUIS P. CANNON

Good morning, Mr. Chairman, Ranking Member Thompson, and distinguished Members of the House Committee on Homeland Security. My name is Lou Cannon, and I am a 32-year law enforcement veteran currently serving as an Inspector with the United States Mint Police. I am also the elected President of District of Columbia Lodge #1, which represents more than 9,500 law enforcement officers throughout the greater Washington, D.C. metropolitan area. Nationally, the F.O.P. is the largest law enforcement labor organization, representing more than 318,000 rank-and-file law enforcement officers in every region of the country.

I am here this morning at the request of Chuck Canterbury, National President of the F.O.P., to testify in support of the Cox-Thompson "Faster and Smarter Funding for First Responders Act."

In the previous Congress, the F.O.P. worked in conjunction with the House Select Committee on Homeland Security to pass this important legislation. The bill, then H.R. 3266, was favorably reported by a unanimous vote of this Committee in March 2004, and, in October of last year, the House of Representatives adopted the legislation as part of Title V, H.R. 10, the "9/11 Recommendations Implementations Act." The language included in H.R. 10 was a consensus document in every sense of the word and earned the support of numerous Committee Chairmen and Ranking Members who had jurisdiction over individual parts of the bill. It is the product of countless hours of work on the part of Congressional staff and reflects substantive input from organizations like the Fraternal Order of Police and others in the first responder community. The "Faster and Smarter Funding for First Responders Act" also met the spirit and intent of the recommendations posited by the 9/11 Commission concerning the delivery of Federal homeland security assistance to State and local governments. Further, the basic funding formula principles of the legislation as passed by the House last year, with a few minor exceptions, have already been adopted in the Administration's fiscal year 2006 budget request.

The legislation that you and Representative Thompson have introduced this week, and which is the subject of our hearing today, is nearly identical to the consensus language contained in last year's H.R. 10. Every Member of the Homeland Security

Committee is an original cosponsor of this bill, and the Fraternal Order of Police is proud to once again offer our strong support for this bill.

Essentially, the legislation requires the Department of Homeland Security (DHS) to allocate homeland security assistance funds to States or regions based upon the degree to which they would lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure. The bill also reduces the current State minimum and restructures the allocation process. Under the current system, none of the funds available under the State Homeland Security Grant Program (SHSGP) are allocated on the basis of risk. Instead, each State first receives a base amount equal to 0.75 percent of the total allocation, and then an additional amount based solely on population. Clearly, this is not the most effective way to distribute Federal resources to increase our homeland security.

The "Faster and Smarter Funding for First Responders Act" proposes to reform the current formula and require DHS to allocate all funds based on risk, and then provide, if necessary, additional funds to those States, territories, or certain Indian tribes that have not met a minimum threshold of funding.

The Cox-Thompson bill would accomplish this by lowering the guaranteed amount of Federal funding that each State receives under the SHSGP from 0.75 percent to 0.25 percent and eliminate the secondary distribution of these funds on the basis of population. Instead, it would require the Department to allocate all available SHSGP funds on the basis of risk and needs, with a subsequent adjustment for States whose risk does not equal the 0.25 percent guaranteed amount. This would result in approximately ninety-nine percent (99 percent) of the money being allocated on a strictly risk-based assessment of need, not an arbitrary formula.

In our view, this legislation appropriately distributes homeland security assistance on the basis of risk, while ensuring that no State, territory, or directly eligible tribe will fall below a certain base level of funding, that being .25 percent of the total available funds. The F.O.P. believes that this new grant formula is consistent with the recommendation of the 9/11 Commission, which said that "[h]omeland security assistance should be based strictly on an assessment of risks and vulnerabilities."

Because all levels of government are working in a universe of limited resources, we need to prioritize how we spend those resources we do have. Sometimes this means tough choices—choices that the current formula structure avoids to the overall detriment of our national preparedness. For example, a recent DHS review of port security grants questioned the merits of "several hundred projects." Rural, less populated areas often receive a disproportionate amount of money relative to the risks they face. Other States are allocating funds with only a cursory effort to assess risks or strategic need, perhaps because the current formula simply hands out pre-determined amounts of Federal homeland security assistance to every State regardless of their risks or vulnerabilities. Your legislation would give States a strong incentive to focus their plans on the highest-risk areas because they would have to compete for Federal funds. This kind of competition can only enhance our nation's overall preparedness, a point reflected in the 9/11 Commission's recommendations:

[T]he federal government should require each State receiving Federal emergency preparedness funds to provide an analysis based on the same criteria to justify the distribution of funds in that State. . . We further recommend that Federal homeland security funds be allocated in accordance with [written] benchmarks, and that states be required to abide by those benchmarks in disbursing the federal funds.

The bill addresses this recommendation in Section 1803, which requires the DHS Secretary establish specific, flexible, measurable, and comprehensive "essential capabilities" for State and local government terrorism preparedness. The aim of establishing these essential capabilities is to assist communities in determining what planning, training, equipment, and other capabilities are required to respond effectively to the specific risks that they face. States, in their planning and funding allocations, would be required to prioritize their additional needs for essential capabilities according to threat, vulnerability and consequence factors.

Another aspect "essential capabilities" as defined in Section 1801 of the bill is the "the levels, availability, and competence of emergency personnel". As this Committee well knows, one of the most important aims of all of our nation's homeland security efforts is the prevention of any future terrorist attacks. This responsibility falls almost exclusively on law enforcement and, as any officer can tell you, the best way to prevent any crime, be it large or small, is to deter its commission with proactive policing strategies in conjunction with a cop on a beat. Given the budgetary constraints at all levels of government, maintaining the needed police levels is a nationwide concern. I am aware of a number of local departments whose fiscal difficulties have resulted in a loss of officers. This should be of greater concern to

all of us, because the law enforcement mission was changed in the wake of the terrorist attacks on September 11th. Law enforcement agencies must do more with less, and I am concerned that the level and availability of officers may affect our preparedness in some of our communities. I believe that the Committee should underscore this particular concern with respect to the evaluation of “essential capabilities,” be it in the legislation itself or in any accompanying report language.

Section 1804 of the legislation would establish a twenty-five (25) member Task Force on Essential Capabilities for First Responders, which must include representation from the law enforcement community, to assist in prioritizing the ranking of essential capabilities and a methodology by which a State or local government can determine whether it possesses or has access to these essential capabilities. The Task Force will help in assessing grant application and work to ensure that different types of communities have access to the Federal resources they need to address their unique needs. In this way, the legislation meets another of the 9/11 Commission’s recommendations: “Resources must be allocated according to vulnerabilities. We recommend that a panel of security experts be convened to develop written benchmarks for evaluating community needs.”

Both Sections 1803 and 1804 echo the Administration’s efforts to enhance homeland security by identifying national preparedness priorities and baseline capability levels as directed by Homeland Security Presidential Directive 8 (HSPD-8). On 31 March, the DHS published the Interim National Preparedness Goal (INPG) as a guide for Federal departments and agencies, State, territorial, local and tribal officials, the private sector, non-government organizations and the public in making determinations about how to most effectively and efficiently strengthen preparedness for terrorist attacks, major disasters, and other emergencies. In the view of the F.O.P., the INPG accomplishes what Section 1803 proposed to do, which is to establish readiness priorities, targets, and metrics. Given this, we would recommend that your legislation be amended to reflect the work already done by the DHS in its Interim National Preparedness Goal and that the Task Force created by Section 1804 be directed accordingly.

Three and a half years have passed since the terrorist attacks on New York and northern Virginia. In this time it has become clear that the current system of distributing Federal homeland security grants needs to be reformed. State and local officials, Secretary Ridge, and the 9/11 Commission all testified that the grant distribution system needs fixing. If our aim is to enhance the ability of State and local governments to prevent terrorist attacks or, if an incident should occur, to respond to them, then we must find a way to identify our priorities and then get the money to our first responders in a faster and smarter way.

Risk prioritization—honest assessments about how to reduce our vulnerabilities to terrorist attacks—must be the guide by which we allocate Federal assistance to States and localities, and this goal is achieved by the bill that you and Ranking Member Thompson have introduced this week. The F.O.P. is proud to support the measure and we look forward to working with you and your counterparts in the Senate as this bill moves through the legislative process.

I want to thank you, Mr. Chairman and Ranking Member Thompson, as well as the other Members of this distinguished Committee for the chance to appear before you today. I will now take any questions you may have.

Chairman COX. Thank you very much for your testimony.

The chair would next recognize Mr. Kevin O’Connor, here representing the International Association of Fire Fighters. And he is the assistant to the general president of the International Association of Fire Fighters.

Welcome, Mr. O’Connor.

STATEMENT OF KEVIN O’CONNOR

Mr. O’CONNOR. Thank you, Mr. Chairman, Ranking Member Thompson, Representative Norton. My name is Kevin O’Connor and it is an honor and privilege for me to represent the 270,000 men and women of the International Association of Fire Fighters who live and work in each of the nation’s 435 congressional districts, providing fire rescue and emergency medical services protection to over 80 percent of our population.

Mr. Chairman, I proudly served for 15 years as a fire fighter EMT in the Baltimore County Fire Department. And since 2000, I have led the government and public division of the International Association of Fire Fighters.

Let me begin by thanking you for your commitment and resolve on producing a meaningful authorization that addresses the homeland security needs of America's communities. Your bill very appropriately emphasizes and champions the vital role of our nation's fire service, while being sensitive to our collective responsibility to spend tax dollars wisely and efficiently.

As first responders and as public servants, we understand that federal funding must be targeted. There is no free lunch or unlimited funding stream.

As such, we join with you in demanding accountability. The federal government cannot simply say, "Here is the money. Go prepare yourself for the next terrorist attack."

We must, of course, provide sufficient resources to guarantee that our domestic defenders get the job done. But we also must establish standards of measurement by which we can judge the effectiveness of our investment.

The IAFF believes that there are two principal components to meet that objective. First, the lion's share of federal money must go to jurisdictions that are truly targeted high-risk areas. We concur wholeheartedly with Secretary Chertoff's assessment that criteria must be based on three factors: threat, consequence and vulnerability.

Consequently, we applaud the committee's bipartisan approach to utilizing a distribution formula based on risk, not on politics. I should note that the IAFF is very pleased that the guidelines set forth in the administration's proposed budget also embrace that philosophy.

Second, to be effective, federal dollars must be disbursed quickly and efficiently. While we can all cite numerous examples of money being bottled up at various levels of government, the IAFF does not wish to bemoan the past; rather, we want to look prospectively at this issue.

We are grateful that this legislation establishes a process and deadline to ensure that funds are passed on to local jurisdictions in a timely fashion. To successfully protect our communities and prepare first responders for the next terrorist attack, we must employ an all-hazard strategy for preparation and response.

From a first responder's perspective, it does not matter if a building collapse is caused by a terrorist attack, faulty construction or a natural disaster; the result is the same: an emergency response requiring fire rescue, EMS and salvage activities. Today, according to FEMA's very enlightening needs assessment of the U.S. fire service, most fire fighters lack formal training in WMD and hazardous materials response.

And 89 percent of all fire departments admit that a building collapse involving rescue and EMS operations with only 50 trapped occupants are beyond their scope of operational capability. I cannot envision a major terrorist attack that would be any smaller in scope than that. These statistics, coupled with the sobering reality

that over two-thirds of the nation's fire departments operate short-staffed, paint a terrorizing picture.

Earlier, Mr. Hamilton said, "Training can overcome fear." But training certainly cannot overcome the lack of resources.

To respond to cataclysmic events, first responders must be trained, equipped and staffed to handle routine emergency calls. Employing an all-hazards approach is our only legitimate option.

Recognizing these deficiencies and cognizant of fiscal realities, we endorse the concept of defining and establishing benchmarks outlining essential capabilities for fire departments, local and state governments. We feel that it is imminently reasonable that our Congress and the American public have standards by which fire departments can be evaluated.

While we do not advocate imposing a series of federal mandates, we support establishing standards that are precise, measurable and comprehensive. In developing these benchmarks, it is prudent to rely on already-established national consensus standards for training, equipment and response capabilities.

The National Fire Protection Association has already developed standards on practically every aspect of the fire service. These standards are currently recognized throughout the federal government and have been developed through a consensus process involving all potential stakeholders.

We believe that these voluntary consensus standards, or similar benchmarks, must be part of the ongoing process of defining essential capabilities. Perhaps the greatest resource of knowledge that we have is first responders themselves. We know firsthand how to do the job and what is required to accomplish our mission.

Consequently, the IAFF wholeheartedly endorses a task force on essential capabilities for first responders envisioned under this act and encourage you to insist that this provision be included in any final authorization. While we appreciate DHS developing a target capabilities list, we feel the bar is set too low.

These capability measurements must be set at the highest common denominator, not the lowest. Since lives are at stake, we need to apply these standards for benchmarks in making decisions with respect to funding allocations.

In conclusion, Mr. Chairman, Ranking Member Thompson and committee members, I thank you for this opportunity. But more importantly, I thank you for your work in strengthening our homeland and protecting America's bravest.

Thank you.

[The Statement of Mr. O'Connor follows:]

PREPARED STATEMENT OF KEVIN B. O'CONNOR

Mr. Chairman, Mr. Ranking Member and distinguished members of the Committee.

It is a pleasure to appear here today on behalf General President Harold A. Schaitberger, and the 267,000 men and women of the IAFF. The IAFF is by far the largest fire service organization in the nation, whose members protect over 80 percent of the population. Proudly, we have members in all of the nation's 435 Congressional districts.

Before joining the IAFF, I spent 15 years as a fire fighter in Baltimore County, Maryland and had the opportunity to serve as President of the Baltimore County Fire Fighters Association and the Maryland Professional Fire Fighters. I also served as a Commissioner on the Maryland Fire Rescue Education and Training Commis-

sion, which promulgated standards and regulations concerning fire service training and requirements for Maryland's 35,000 professional and volunteer fire fighters. So while I speak for the IAFF, I also can appreciate from personal experience the enormous impact this committee will have on our nation's first responders—the men and women on the ground who work to protect the public on a daily basis.

Mr. Chairman, I do not have to spell out for you the problems that have occurred in the allocation of federal homeland security dollars. Your admonishments on this week's episode of 60 Minutes concerning misplaced priorities and pork spending were on target and we applaud your courage and honesty. The bottom line is that far too much of the money allocated by Congress never reaches the front line emergency responders, with funding lost in large state bureaucracies or, as former Secretary Ridge testified last year, "stuck in the pipeline." And money that does reach localities often goes to areas of questionable need. The Congressional Research Service found, for example, that Wyoming's FY 2005 allocation amounted to \$18 per person, while New York—arguably our nation's most at risk state—received \$2.57 per capita. It is a travesty that in the post 9/11 world budgetary woes have caused the New York Fire Department to close six engine companies.

We at the IAFF do not place blame on any particular department or public official for this; nor are we here to pit one state against another. After the tragedy of September 11, 2001, federal dollars were understandably appropriated quickly to help protect our homeland and it is little surprise that these funds were not always wisely spent. There were no analyses of threat; no real input from first responders on the ground; and no authorizing legislation in place.

The fault lies not with any particular federal agency, but rather with the lack of coordination and historic turf battles between levels of government—local, state and federal. Attaining efficient use of federal funding will require government officials at all levels to move beyond pre-September 11 mindsets and traditions, and require the active involvement of the first responder community.

Last year, as a Select Committee, this panel worked tirelessly to produce a reform bill that made its way through five different committees and incorporated the concerns of numerous outside organizations. The IAFF endorsed that legislation, and while we did not agree with every single provision in its final form, we embraced it as a great leap forward and a major improvement over the existing process of allocating funds.

The legislation has now been reintroduced in the 109th Congress as the Faster and Smarter Funding for First Responders Act, and we are pleased to once again stand with you, Mr. Chairman, in support of this effort to improve the distribution of this funding. We understand that changes to this legislation are likely to be necessary as it moves through the legislative process, and we look forward to continuing to work with you in the months ahead.

The following are some of the key elements that we believe must be embodied in the final package if we are to achieve our goal of smarter and faster funding.

All-Hazards Approach

Underlying any discussion of emergency response and homeland security should be the recognition of the "all-hazards" approach used in the fire service. From the perspective of the first responder, the cause of an emergency incident is far less significant than the immediate threats to life, health and property. The initial response required to a disaster caused by natural phenomena or tragic accident differs little from the response to a terrorist attack. The best way to prepare emergency responders to respond to acts of terrorism is to prepare them to respond to any and all hazards. Efforts to restrict the federal government's involvement in emergency response solely to acts of terrorism or to create arbitrary distinctions between "traditional" and newer fire service missions will ultimately prove counterproductive to the goal of protecting Americans.

Since 9/11 a multitude of studies including the Council on Foreign Relations, the USFA Assessment of Fire Service Needs, and others have accurately painted the needs and deficiencies that plague first responders in fire departments large and small, urban and rural. These deficiencies must be addressed as part of a comprehensive homeland security strategy.

Threat Based Funding

The primary reason that much homeland security funding has been ill-spent is use of a distribution formula that is weighted too heavily toward rural areas, without sufficient consideration of need and threat. A key recommendation of the National Commission on Terrorist Attacks Upon the United States (more commonly known as the 9/11 Commission) was that federal homeland security assistance be distributed to state and local governments based on risk and vulnerability. Specifically, the Commission cited the need to assess risk and vulnerability by looking at such key issues as population, population density, vulnerability, and the presence of critical infrastructure within each state.

We believe the Faster and Smarter Funding for First Responders Act effectively addresses this essential goal. While we continue to support a reduction or elimination of state minimum allocations, we believe the legislative proposal represents an effective compromise with those who oppose moving to an entirely threat-based formula.

Essential Capabilities

The IAFF has been an early and strong supporter of clearly defining essential capabilities for state and local government preparedness. The development of such capabilities is especially crucial in the fire service, which historically has lacked the sort of state-defined standards used in law enforcement, emergency medical care, and many other disciplines.

What it means to be a fire fighter or what fire departments should be capable of remain largely a matter of local custom and predilection. Industry consensus standards are completely voluntarily and too often ignored. As a result, there is wide disparity in fire department systems, structures, training requirements, etc.

In order to be sure that federal dollars are wisely spent, it will be necessary to define capabilities for fire departments that are specific, measurable and comprehensive. Above all, the capabilities must be the highest common denominator for our discipline. The standards should be demanding, and challenge our nation's fire departments to provide the kind of public safety protection that our citizens deserve. Frankly, we would be shortchanging the public and communities we serve if we were to implement capabilities standards that were inadequate or set arbitrarily low standards to ensure easier compliance.

We respect the rights of communities to make determinations for themselves regarding the level of fire protection they feel is appropriate, and we are not suggesting that such capabilities should be imposed as a federal mandate. But we are suggesting that any community seeking federal assistance must be willing to abide by realistic standards. We owe no less to our nation's taxpayers.

In order to ensure that the standards are specific and appropriate, it is crucial that first responders are actively involved in the development of these capabilities. The expertise of first responders in evaluating the relevance, success or shortcomings of the capabilities in real life emergency situations is invaluable. For this reason, we strongly endorse the Task Force on Essential Capabilities for First Responders envisioned in the Faster and Smarter Funding for First Responders Act. With a membership drawn from first responder groups, including the fire service, as well as experts in emergency health, state and local preparedness and standards-setting organizations, among others, the Task Force will likely serve as the one coordinated expert panel to help achieve concrete and workable capabilities.

We recognize that the Department of Homeland Security has been moving forward on its work to establish capabilities in connection with Homeland Security Presidential Directive 8 on domestic preparedness. The Department has issued a Targeted Capabilities List (TCL) and an Interim National Preparedness Goal to establish minimum capabilities and standards. While we are appreciative of the effort, we are disappointed with the results of their work to date. Too much emphasis has been placed on the need for flexibility, and too little attention paid to the perspectives of front line domestic defenders. The TCL in particular will have little practical effect. While the National Response Plan stresses the need for emergency incidents to "be handled at the lowest possible organizational and jurisdictional level," the capability definitions under the TCL do little to assure that local agencies are capable of fulfilling this essential function.

In order to address these shortcomings, the Task Force on Essential Capabilities for First Responders should be retained and exercise an active role in the federal agency's ongoing efforts to implement the National Preparedness Goal.

Finally, I wish to stress that meeting the essential capability benchmarks will require more than making compliance a condition of receiving federal funds. Localities throughout the nation must make a commitment to ensure that their fire departments have the resources they need to get the job done. Most significantly, critical

staffing shortages in both career and volunteer fire departments are the leading obstacle to fulfilling our mission. As recent independent studies have highlighted, without sufficient personnel, fire departments are not able to respond to minor events, much less major emergencies.

While federal programs such as SAFER can play an important role, ultimately it is up to every Mayor and City Manager to ensure that fire departments have adequate staffing to protect the public.

National Incident Management System (NIMS)

Any discussion of preparedness and capabilities must take into account the National Incident Management System (NIMS) which was issued on March 1, 2004 to provide a framework for entities at all jurisdictional levels to work together to manage domestic incidents. Effective incident command is the lynch pin of an effective, coordinated response to all emergencies. Moreover, it is critical to fire fighter health and safety. The National Institute for Occupational Safety and Health (NIOSH) has consistently identified lack of incident command systems as a leading cause of fatalities on the fire ground.

We, therefore, endorse the current policy of linking first responder funding to compliance with NIMS. We do not share the views of some other fire service organizations that advocate a delay in NIMS. While complying with NIMS is sure to present challenges for many fire departments, we believe the federal government must encourage our nation's fire departments to meet those challenges.

The Role of States

The IAFF remains concerned about an over-reliance on state government as the conduit of emergency responder funding. Historically, states have had little involvement in the fire service, and to this day there is little fire service presence in many state capitals.

Because of this history and culture, providing funding to states presents obstacles in getting funding to local fire departments. Even in the post-September 11 world, we have witnessed examples of emergency responder funds in certain states going exclusively to local police departments because the Governor named the state police as the point of contact for all homeland security grants. Relying on their already established relationships, the state police simply doled out the federal funds to local police, leaving the fire service no better off than before.

While the IAFF would prefer a more direct funding stream directly to localities, we believe several provisions in the Faster and Smarter Funding for First Responders Act will help address the problem.

First, the legislation clearly identifies the percentage of funding that states must pass through to localities as well as the time frame for such pass through.

Second, the legislation contains a by-pass mechanism that localities and regions can use if states fail to abide by the pass-through requirements.

Third, the preservation of the Urban Area Security Initiative (UASI), subject to the requirements of the Faster and Smarter Funding for First Responders Act, will enable Congress to continue to send money directly to certain localities. We concur that UASI may be unneeded if states fully comply with the spirit and letter of this legislation, but we feel more secure knowing that the option of funding UASI is still available.

Finally, we strongly endorse maintaining as separate and distinct programs two grant programs that provide funding directly to fire departments. As long as the FIRE Act and SAFER continue to exist, subject to appropriations, America's fire service will receive federal assistance.

Accountability

A key flaw in the current distribution system for homeland security funding is the lack of an effective accountability system at the federal level. States are required to submit plans, but there is little follow through to see if the funding is actually used to implement such plans. We encourage this Committee to work with the Department of Homeland Security to develop procedures to assure accountability of all federal dollars.

State Plans

The adoption of State Plans is a critical component of this legislation, but the quality of state plans approved to date varies widely. We recommend that the Faster and Smarter Funding for First Responders Act be amended to require the involvement of front line fire service and other emergency response organizations in the development of state plans. It would be a mistake to presume that states would necessarily do this of their own volition, especially in regard to the fire service.

Voluntary Consensus Standards

IAFF supports the inclusion of voluntary consensus standards for equipment and training for the basis of allocating funds under the bill. Under the Faster and Smarter Funding for First Responders Act, the Secretary must consult with public and private sector groups such as the National Fire Protection Association and other experts to develop, promulgate and regularly update national voluntary consensus standards. This is an important tenet to the bill and one that cannot be overstated. The voluntary consensus process is a method of developing standards, which is based on several key principles, including: openness, balance of interest, due process, an appeals process and consensus. In this process, experts in given fields work together in developing standards that are subjected to a thorough review process involving a round of hearings, panel discussions and votes. The NFPA standards process even provides for the development of separate standards for career and volunteer fire departments, to account for differences in mission and scope of service. The process is likely to ensure quality and higher expectations at the local level. These provisions should be retained.

Backfill and Personnel Costs

One of the challenges communities face in trying to take full advantage of this invaluable federal assistance is continuing their on-going emergency response activities while also training for enhanced capabilities. The fire service is not like many occupations in which a person who is receiving training can simply be away from their desk for a day. When a fire department assigns a fire fighter to attend a training, that fire fighter's position must be "backfilled" by another fire fighter. In most departments, that means paying overtime to a fire fighter who is being required to work an extra shift. This backfill cost can be prohibitive, and in some cases has forced fire departments to decline to receive ostensibly free training.

While the Department of Homeland Security has embraced the idea of allowing funding to be used for backfill costs, implementation of this policy has been inconsistent. We recommend that clear language be included in the Faster and Smarter Funding for First Responders Act to ensure that fire departments can seek reimbursement for overtime costs associated with DHS-funded training programs.

Additionally, while the primary purpose of first responder funding is to enhance training, equipment, and planning, there may be instances in which a local government's greatest need is for a full time position devoted to coordinating disaster response. The legislation should expressly allow for such uses in limited circumstances.

The Administration's Proposal

The Administration's position on the allocation of first responder grants has evolved considerably over the past three years, and we are very supportive of the proposals contained in President Bush's fiscal year 2006 budget. We are especially appreciative of the Administration's support of a threat-based allocation formula and a reduced state minimum. Even the Administration's work to identify essential capabilities of emergency responders, while lacking in its specifics, is a well-intentioned first step. I am pleased to note that the Administration's proposal bears a striking resemblance to Faster and Smarter Funding for First Responders Act.

I raise this point in my testimony, Mr. Chairman, because I believe the dynamics facing the 109th Congress may be significantly different from those in the 108th Congress when you started on this effort. While we continue to support the concept of passing legislation to address the concerns with the first responder grant program, we are no longer of the view passing a bill—any bill—is necessarily preferable to the status quo.

If DHS is indeed able to move in the directions you have outlined, there may come a point in the legislative process that it would be preferable to allow DHS to make changes administratively rather than agree to a watered down compromise.

Conclusion

Before ending my testimony, I would be remiss, Mr. Chairman, and Ranking Member Thompson, if I did not take a moment to pay tribute to both of you and your extraordinary staffs. Throughout the past two years, the IAFF has had the pleasure—and I do mean pleasure—of working closely with you on the development of this legislation. And while we have not always been in 100 percent agreement, you have always taken the time to seriously consider our views. You have made an arduous journey both productive and enjoyable, and we are deeply appreciative of your diligence, abiding commitment, and friendship.

I thank you for your attention to our views, and I would be happy to answer any questions you may have.

Chairman Cox. Thank you very much for your testimony.

We next recognize and welcome Chief Greg Lord, who is the director of the National Association of Emergency Medical Technicians and who is himself division chief for EMS at the Cherokee County Fire Emergency Services.

Welcome.

STATEMENT OF CHIEF GREGG C. LORD

Mr. LORD. Good afternoon.

Mr. Chairman, Ranking Member Thompson, members of the committee, my name is Greg Lord. I am a paramedic and a member of the National Association of Emergency Medical Technicians board of directors and a vice chairman of the NAEEMT.

I currently serve as division chief of emergency medical—

Chairman COX. Chief Lord, I wonder, is your microphone turned on?

Mr. LORD. The light is on.

Chairman COX. Maybe just pull it a little closer if you can? Thanks.

Mr. LORD. Is this any better? I currently serve as division chief of emergency medical services for Cherokee County, Georgia, a suburban county on the edge of Northwest Atlanta.

NAEMT is the largest national EMS organization in the nation. And it represents the interests of more than 900,000 EMTs and paramedics who are on the domestic response front line to emergencies, disasters and domestic response incidents.

NAEMT appreciates this opportunity to appear before you today to speak in our support of 1544. H.R. 1544 will provide an acceptable common set of rules for the allocation of funds under the covered grant program.

The failure of the existing terrorism preparedness grants to employ a uniform functional area approach in which specific critical response performance taskings are designated, similar to HSPD-8, has resulted in EMS, a critical response requirement, not being included in the readiness enhancement process. NAEMT believes that the majority of EMS systems are inadequately prepared to respond to high-impact emergencies, including WMD attacks.

As a nation and as a professional community, we need to join together to define what readiness is and then set our sights on attaining the agreed-upon goal. Without defining readiness benchmarks, state and local responders are placed in the untenable position of attempting to determine this on their own.

We support the adoption of the national preparedness goals based upon the all-hazards approach and tempered by location, threat, vulnerability, consequences and response needs. While we acknowledge the varying needs of communities and the diverse threat levels, we do not think it is unreasonable to establish a readiness baseline that all communities strive to attain while concurrently enhancing levels of capacity for communities where the prevailing threat is greater or the potential to respond is more prominent.

This should not be interpreted as only committing to support urban centers, nor the unrealistic expectation that every community should be expected to achieve incredible levels of readiness.

Rather, we recognize a fundamental need for all responders, including EMS, to have a fundamental baseline of readiness.

Past high-impact emergencies in the United States have demonstrated that mutual aid is truly the ultimate tool for local emergency response burden sharing. Whether it was Oklahoma City, the 9/11 Pentagon response or 1993 and 2001 World Trade Center attacks, mutual aid was the only reason that the emergency response system was able to sustain critical response performance.

Adopting a practical, performance-based process that requires all responder functions to have a fundamental baseline of competency is critical. We strongly encourage that responders which are in the regions designated as high-threat areas receive the required additional training, equipment and funding that is commensurate to meet the threat challenge. H.R. 1544 will provide this support to those communities.

A recent report from DHS conveys that EMS received only four percent of the first responder funding for a series of non-EMS-specific programs. This untenable scenario has emerged largely in part due to federal entities believing that others are addressing the EMS issue, while no meaningful EMS capacity building has occurred in the process.

Failure to address these issues will ultimately result in a continuance of substandard preparedness of the EMS organizations and providers and, we believe, a higher mortality and morbidity rate of the innocent victims of a terrorist attack. The failure of the federal government to enhance preparedness of our nation's EMS responders is an oversight that cannot be permitted to continue.

Currently, we have EMS responders who will respond with no more specialized equipment than the clothes on their back. A recent NAEMT Internet survey showed that 85 percent of the respondents answered "no" to the question: does your EMS system provide personal protective equipment for terrorism response?

Another survey conducted annually by the National Registry of Emergency Medical Technicians yielded that the average EMS responder received less than 2 hours of terrorism training last year.

Collectively, these findings paint a bleak picture of preparedness. NAEMT considers this to be unacceptable and one of the most unrecognized preparedness deficiencies in America.

We are highly concerned about the safety of EMT and paramedic responders. How can they protect themselves and render lifesaving treatment to the victims?

Protecting EMS personnel and saving lives at an incident cannot be mutually exclusive. They are forever in tandem. If the EMS personnel are trained and protected, lives can be saved. If not, the results will be vastly different.

We encourage you to review our written testimony for a very detailed examination of the EMS readiness gaps. The present grant system failed to support EMS. The Cox-Thompson Bill recommended process should enable the Secretary of Homeland Security to address this inequity.

H.R. 1544 will ensure that the utilization of threat and vulnerability analysis, coupled with resource preparation and planning, shall and must include EMS assets. The national response plan, coupled with the national preparedness goals, is an outstanding

and necessary step towards preparation. The prevailing challenge is to ensure that all critical assets are included in the process to prepare our communities and keep event mortality and morbidity to a minimum.

In conclusion, NAEEMT supports H.R. 1544, the Faster and Smarter Funding for First Responders Act of 2005. When the next disaster occurs, EMTs and paramedics will respond, despite the fact that many are poorly prepared and may be sacrificing their well-being or their lives to provide assistance.

This bill is a good and necessary step toward the improvement of national preparedness. We hope that it will also make significant strides towards assisting our forgotten first responders across the United States.

Thank you for this opportunity to speak on behalf of the EMTs and paramedics. And I would be happy to respond to any questions the committee members may have.

[The statement of Mr. Lord follows:]

PREPARED STATEMENT OF CHIEF GREGG C. LORD

Chairman Cox, Ranking Member Thompson, members of the committee and fellow public safety officers, my name is Gregg Lord. I am a paramedic and a member of the National Association of Emergency Medical Technicians (NAEMT) Board of Directors & Vice Chairman of the NAEMT National EMS Administrators Division. I am also Division Chief of Emergency Medical Services in Cherokee County, Georgia, a suburban county on the northwest edge of Atlanta. Throughout my career I have served in a various capacities in rural, suburban and urban environments including a rewarding progressive career in Worcester, Massachusetts where I retired as Chief of EMS Operations.

NAEMT represents the interests of more than 950,000 Emergency Medical Technicians and Paramedics throughout the United States. These men and women currently serve this nation daily on the frontlines of our domestic response to emergencies, disasters, and terrorist's incidents.

On behalf of the Paramedics and EMT's of this great nation, the National Association of Emergency Medical Technicians appreciates this opportunity to appear before you today to provide testimony regarding HR 1544 and its critical importance to our nation's security. In general, we will speak to areas that effect our constituency, the EMTs and Paramedics who respond to the incidents. The passage of this bill can provide the following positive effects:

- The enhancement of Emergency Medical Service capacity to respond to acts of terrorism and high impact disasters.
- Training for EMT's and Paramedics who are charged with responding to dangerous and unpredictable emergency scenes with the ultimate requirement of turning victims into patients.
- Sustained funding for EMS systems to procure the requisite personal protective equipment, response adjuncts and continued performance based training to remain ready.

Our nations' EMS community needs your assistance to enhance its' capacity to respond to these high impact mass casualty terrorist acts. As Members of Congress and the Homeland Security Committee, you can and will make an important difference by uniting with our nations Emergency Medical Service professionals to "protect the protectors". As you have seen via numerous reports of late, just about every emergency response function across the public safety spectrum has received some fiscal relief; the burden upon EMS organizations to prepare is great but the federal assistance has been derisory.

According to a recent report from the Department of Homeland Security, EMS has received only four (4 percent) percent of the first responder funding through a series of programs that are not EMS specific program funds.¹ Additionally, EMS has re-

¹I Department of Homeland Security. "Support for EMS Provided by the DHS Office of State and Local Government Coordination and Preparedness." A Report to the Committees on Appropriations of the United States Senate and House of Representatives. Washington, D.C.; May 2004: 42.

ceived only approximately five (5 percent) percent of funds slated for bioterrorism preparedness, again from programs that are not EMS specific in origin.² This untenable scenario has emerged largely in part due to federal entities believing that others are addressing the issue and while no meaningful capacity building has occurred. EMS is a public safety function charged with the delivery of a public health service via emergency medical care and rescue. Failure to address these issues will ultimately result in a continuance of sub-standard preparedness of EMS organizations and providers **AND** we believe a higher mortality & morbidity rate of the innocent victims of a terrorist attack. Clearly, the failure of the federal government to assist in the preparation of our nations EMTs and Paramedics via EMS specific training, equipment issuance and organizational fiscal relief to conduct these activities is an oversight that can not be permitted to continue.

Currently in the United States, we have EMS providers who are charged with providing extrication, rescue, and emergent care after a terrorist incident that will respond with no more specialized equipment than the clothes on their back. A recent National Association of Emergency Medical Technicians Internet survey regarding "Homeland Security & EMS"³ yielded that eighty-five (85 percent) percent of the respondents answered no to the question; "*Does your EMS system issue personal protective equipment (PPE) to the EMS members for terrorism response?*"⁴ Regarding respiratory protection for fifteen (15 percent) that responded that they had been issued personal protective equipment, fifty-eight (58 percent) responded that they had only been issued N-95 respirator masks. An article in the February 15, 2003 edition of the Washington Post entitle "N-95 Masks Flying Off Shelves, But They Offer Scant Protections"⁵ cites:

The latest hype and misinformation coming out of our latest Code Orange emergency preparedness is about a disposable dollar mask made with white cloth and an elastic strap—the N95.

Sold at medical supply and hardware stores, they're the lightweight, nose-and-mouth respirators designed for medical settings and good for blocking allergens when mowing the lawn. Which begs the question: Can a mowing aid fend off a weapon of mass destruction? How effective would they be in a biological, chemical or nuclear attack?

"Not much, but better than nothing," says Victor Utgoff, a defense analyst at the Alexandria-based private Institute for Defense Analysis who has studied gas masks. "They generally protect you from getting particles into your lungs, paint chips and things like that."

We fully understand the important role that the N-95 mask plays in protecting individuals from threats such as TB and some airborne particulate, but this can not be the only tool for respiratory protection.

With regards to the question about chemical protection ensembles issued to EMS personnel, again of the fifteen (15 percent) that responded that they had been issued personal protective equipment, ninety-five (95 percent) percent responded that "Level D" was the available PPE. The US Environmental Protection Agency (EPA) defines the operational parameters for Level D to be "Use Level D only when no danger of chemical exposure exists. It consists of standard work clothes and no respiratory protection".⁶ Given this response we are highly concerned about the safety of EMT and Paramedic response personnel to a high impact emergency or CBRNE terrorist attack that involves chemicals deployed as a weapon. Without the proper protection, how can the safely protect themselves AND render lifesaving treatment to the victims? Protecting EMS personnel and saving lives at the incidents can not be mutually exclusive, they are forever in tandem. If the EMS personnel are trained and protected lives can be saved, if not. . .

According to the LEADS survey conducted annually by the National Registry of Emergency Medical Technicians, an educational testing organization, the average EMS responder received less than two hours of "terrorism training".⁷ In response to the question "Has your EMS system provided terrorism response training to its EMS members?" under the NAEMT Internet Survey sixty-seven (67 percent) of the

²NYU Center for Catastrophe Preparedness and Response—Emergency Medical Services: The Forgotten Responder p4—March 2005

³Refer to Appendix "A" for charting from the survey

⁴NAEMT—Homeland Security & EMS—Internet Survey—13,210

⁵N-95 Masks Flying Off Shelves, But They Offer Scant Protection <http://www.ph.ucla.edu/epilbioter/n95masks.html>

⁶Hazmat Robert Cox, MD, PhD, Director, Medical Toxicology Service, Associate Professor, Department of Emergency Medicine, University of Mississippi Medical Center <http://www.emedicine.com/emerg/topic228.htm>.

⁷The National Registry of Emergency Medical Technicians. "2003 The Longitudinal EMT Attribute and Demographic Study (LEADS)" Columbus.

respondent indicated no. Additionally, of those that responded in the affirmative thirty-four (34 percent) indicated they were given a "self study guide" as the sole training they were offered. We believe that the complexities and dangers that responding to a terrorist incident poses our members requires a more appropriate response to provide training, simulation and EMS scenario driven exercising to enhance readiness and overall capacity to respond effectively in times of crisis. This currently does not exist.

The Cox-Thompson bill before you now, will provide a common set of rules for the allocation of funds under the covered terrorism preparedness grant programs. Moreover, it can provide several advantages towards the global increase in preparedness for terrorist events in the United States. As has become evident, EMS has been left out of much of the terrorism preparedness granting process. Our colleagues in law enforcement and fire services have received large portions of the available terrorism preparedness grants, as they should. But under the present grant structures the failure to employ a uniform "functional area" approach in which we designate the specific critical response performance taskings—*similar to the HSPD-8*—has resulted in EMS, a critical response requirement, not being included in the readiness enhancement process. NAEMT believes that failing to embrace and utilize a performance based functional area approach for national readiness improvement will only sustain a flawed system that addresses funding essentially by agency affiliation and not critical function. The development of the domestic preparedness grant system was done with little or no input regarding the unique and specific issues of EMS provision in the United States. The process within DHS should enable this equity to be addressed by the Secretary of Homeland Security.

Currently there is no cross-referencing between the domestic preparedness grant system and other programs such as COPS and the Aid to Firefighters Grant (AFG). We believe that creating clear delineation between the goals of each program will result in a more targeted approach to funding domestic preparedness. We expect this approach to diminish duplication of efforts while concurrently assuring that existing programs continue to fulfill the charge that they were designed and implemented to accomplish.

EMS providers in this country have minimal protection against the effects of terrorist incidents. A 2003 study sponsored by the Department of Health and Human Services found that EMS providers lacked the necessary protective equipment to respond to a bioterrorist threat.⁸ Actually, we are sending our EMS responders to incidents that may cost them their lives. The National Association of Emergency Medical Technicians considers this to be unacceptable and one of the most unrecognized preparedness deficiencies in America. By recognizing the need for the creation and provision of EMS specific fiscal resources you will further our mission of "saving lives, protecting property and conserving the environment". Unquestionably the NAEMT firmly believes that the funneling of financial resources to the local levels, empowering our constituents and the community to prepare is of the first priority.

The Cox-Thompson First Responder bill will insure that utilization of threat and vulnerability analysis coupled with resource preparation and planning must include EMS assets. Numerous reports have expressed the lack of local planning which involve EMS resources. Development of a national guideline that is based in objective preparation and planning within DHS will insure that the pre-hospital response resources are adequately prepared to respond to not only terrorist incidents, but also the more common disasters that affect every community on an occasional basis. The National Response Plan coupled with the National Preparedness Goals outlined by HSPD-8 is an outstanding and necessary step toward preparation. The challenge to DHS and this Committee is to insure that all critical assets are included in the process. Historically, EMS has been left out of the process. This must be changed if we are to prepare our communities for disaster response of all types and concomitantly ensure the ability to keep event mortality and morbidity to a minimum. HS 1544 requires the formation of a First Responder Task Force. We applaud this initiative and welcome the opportunity to serve in support of the task force.

NAEMT believes that the majority of EMS systems in the United States are inadequately prepared to respond to high impact / high yield emergencies including a "weapon of mass effect" attack. We support the development of an essential capabilities list based upon the all hazards approach and tempered by location, threat, vulnerability, consequences and response needs. As a nation and as a professional community we need to join together and define what readiness is and then set our sights on attaining that agreed upon goal. Without defining and establishing ready-

⁸ Health Resources and Services Administration. "A National Assessment of State Trauma System Development, Emergency Medical Services Resources, and Disaster Readiness for Mass Casualty Events." Aug. 2003.

ness benchmarks the state and local responders are placed in the untenable position of attempting to determine this on their own. Subsequently this results in communities with readiness that spans the entire preparedness continuum.

While we acknowledge the varying needs of the individual communities and the diverse threat levels each mayor may not confront, we do not think that it is unreasonable to establish a baseline of readiness that all communities should strive to attain while concurrently having enhanced levels of capacity for those communities where the prevailing threat may be greater or the potential to respond is more prominent.

This should not be interpreted as only committing to support urban centers nor the unrealistic expectation that every community should be expected to achieve incredible levels of readiness for CBRNE response. Rather we recognize a fundamental need for all responders (*including EMS providers*) in the nation to receive a “baseline” of training to effectively respond to an event.

As we know from past disasters and terrorist events in the United States, mutual aid is truly the ultimate burden sharing methodology for local emergency response. Whether it was the OKC bombing, Centennial Park attack, the 9–11 Pentagon response or the 1993 & 2001 World Trade Center attacks—mutual aid was the only reason that the emergency response system was able to sustain performance. I am sure that the volunteer EMT's from a rural EMS rescue squad in western New Jersey did not think that they would ever be a responder to the largest terrorist attack in U.S. history, but they did alongside other responders from New York, New Jersey, Connecticut, Pennsylvania, and Massachusetts—to name but just a few—that mutual aid compacts activated and deployed.

Adopting a practical performance based training process that requires all responder functions to have a fundamental baseline of competency is critical and will assist the federal government with elevation of readiness while concurrently institutionalizing the training requirements into the existing curricula's for becoming an EMT, Paramedic, Police Officer or Firefighter at a local level.

We further believe and strongly encourage that those EMT's and Paramedics that are in regions that have been designated as a high threat area receive the required additional training, equipment and funding that is commensurate to meet that threat challenge. HR1544 will provide this to the first responders of America.

Emergency Medical Response capability in this country is diverse. The diversity creates many challenges that must be addressed if we are to be prepared to respond to disasters wherever they occur. The diversity necessitates that we utilize creativity to address the terrorism preparedness grant process to insure that non-governmental providers who provide emergency response to many of our communities have the needed resources to respond. The present system created by the Congress has evolved into “agency” specific funding rather than adopting a “functional” approach whereby the function is funded and the local providers of that function qualify for funding. In any event, while just about every emergency response function has received some fiscal relief; EMS has yet to see any specific targeted assistance to enhance EMS readiness. This bill provides for an extensive advisory board and NAEMT would expect that representatives of our diverse constituency would have ample place in the process.

The seats at the table should be not about what government agency, but what service is being provided and what are the needs of the community. It should matter not that a private ambulance provider, under contract to the local government, is at the table or a government service. The response is the issue and the terrorism preparedness grant process must address this concern. Various communities have opted to contract a non-governmental agency to provide EMS to their community. Presently there is no means of providing assistance to these organizations. The bill does not speak specific process for terrorism preparedness grant awards, but NAEMT wishes to provide this committee with concepts that address specific issues that impede domestic preparedness. This issue of providing material support to non-governmental providers must be overcome.

We suggest that perhaps as an alternative in these cases that the support for these initiatives be to the local community with the Mayor or County Executive as the designated recipient with the temporary issuance of the equipment or services handled by the local executive agent. If entity “X” is the provider of EMS services to a community for the term of a contract, the executive agent executes a loan agreement that coincides with the terms of the contract. As long as the contract remains in force, the equipment et al remains on-loan. In the event that the contract expires the recipient returns the equipment to the executive agent for the community, with full accounting for all, including maintenance etc, re-issuance to the new service provider. By adopting this strategy the federal government is not being forced to conduct response & readiness triage based upon what patch the EMT or

Paramedic is wearing, essentially denying a community the resources to protect itself and responders.

Conclusion:

The terrorist attacks on September 11, 2001 have become a defining moment for the future of the United States and the rest of the civilized world. They have challenged us to define the future of managing the protection of our country. While some ask why so late; others comment why not more; and still others ask when will we know it is enough? Our question and your challenge is how to assure we the people charged with "turning victims into patients" are able to adequately respond?

Based upon the aforementioned training and operational gaps that have been identified as impeding the ability of EMS responders to safely and effectively confront the threat of CBRNE terrorism, the National Association of Emergency Medical Technicians recommends modest changes in the existing legislation to accomplish the following:

- (1) A separate and discrete grant system that addresses EMS preparedness and training issues and administered by the Department of Homeland Security.
- (2) Empowerment of the Department of Homeland Security to insure that EMS responders of all levels have the necessary Personal Protective Equipment to protect themselves.
- (3) Utilization of the newly promulgated National Response Goals to insure that EMS has the appropriate resources to respond to disaster and terrorist incidents.
- (4) Establishment of a minimum educational standard for all EMS providers to insure that they are capable of responding to a terrorist incident.

In conclusion, **NAEMT supports H.R. 1544, the "Faster and Smarter Funding for First Responders Act of 2005.** There are more than 950,000 EMTs and Paramedics across this great country who each and everyday respond to the call for help. When the next disaster occurs they will respond despite the fact that many are poorly prepared and may be sacrificing their well-being or lives to provide assistance to their community in need. This bill is a good and necessary step toward the improvement of preparedness in our country. We hope that this bill will also make significant strides toward providing assistance to our forgotten first responders across the United States. Thank you for this opportunity to speak on behalf of the EMT's and Paramedics and I would be happy to respond to any questions that the Committee Members may have.

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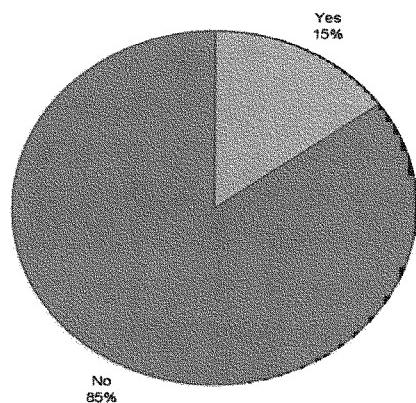
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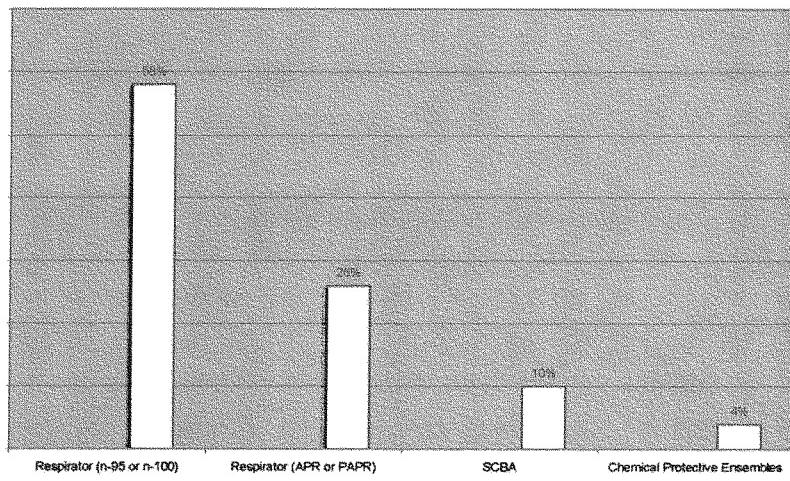
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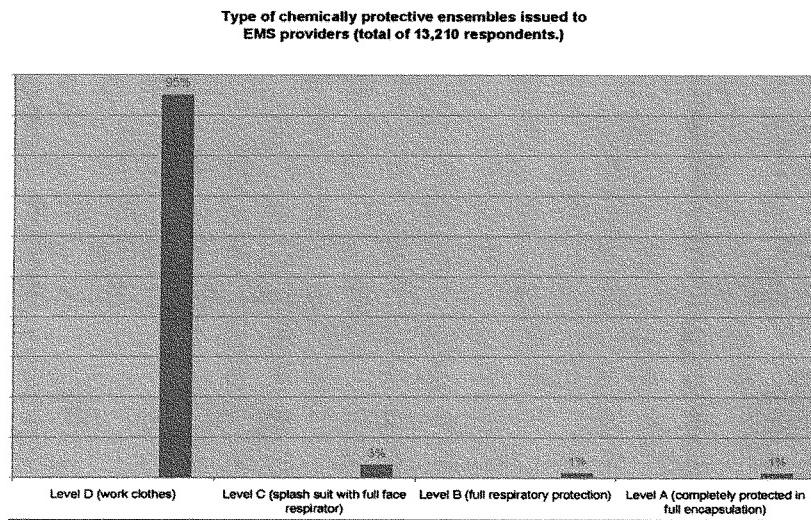
Appendix A

Does your EMS system issue personal protective equipment (PPE) to the EMS members for terrorism response?
(total of 13,210 respondents)



Of the EMS personnel who responded "yes" to the previous question the type of protection issued to EMS providers (1,856 respondents.)



Appendix A (cont.)

Mr. SHAYS. [Presiding.] Thank you.

The chairman is at a meeting in the Speaker's office.

And we are going to start with Mr. Thompson.

And I would just like to thank all four of you for participating today and what I am told by staff as well is very thoughtful and helpful testimony.

Mr. Thompson, you have the floor.

Mr. THOMPSON. Thank you very much, Mr. Chairman. Let me also put my thanks into the panel for a wonderful presentation.

Ms. Fethet, obviously your family has paid the supreme sacrifice in this issue. And I hope that this bill puts us in a position where, if such an emergency or catastrophe like this happened again, we will be in a position to respond amply, coordinated; we can talk to each other and some of the errors of 9/11 will not be repeated.

I look forward to the speedy passage of this.

Chief Lord, Clinton, Mississippi is in my district, where your national headquarters is. And let me compliment you for wonderful testimony.

But there are a couple of questions that have concerned me and I would like to ask the three individuals who are intricately involved in it. States are required to develop plans. Have you had or any of your organizations had any involvement in helping prepare the states' plans, to your knowledge?

Mr. LORD. Here again, Mr. Thompson, EMS has historically been left out of the response planning process, as we alluded to. If you refer to our written testimony, you will find several citations of that issue.

At a state level, it is entirely state-dependent. You will find states in this country that are very good at it, in—I guess—putting our people at the table and ensuring that the pre-hospital emergency response system is adequately represented as part of the entire response.

In other states, you will find them not there. It is a very diverse situation.

Mr. THOMPSON. Mr. O'Connor?

Mr. O'CONNOR. I would concur with that. And I would actually take it one step further.

I think that most of the asset delivery on responding to any incident is done at the local level. And regrettably, while there are certain anomalies to this where some states do a very good job, by and large, the fire service is kept on the sidelines with respect to pre-planning these types of things and really having involvement, in terms of benchmarking and defining essential capabilities and, for that matter, even what type of resource allocation should be thought about and utilized in this type of planning.

I think that beyond just the task force, if we had our druthers, in the development of state plans, I think there should be some type of instruction that both local fire and police be involved in the development of those types of plans. I think it would make it more consistent and we would all be better served.

Mr. THOMPSON. Inspector Cannon?

Mr. CANNON. Mr. Thompson, here in DC, there is unfortunately a strange disconnect a lot of times between the federal and the municipal sector within law enforcement. And because of the unique-

ness of DC, where your fire department is kind of the municipal and not linked to the federal, there is an even bigger disconnect.

Let me just say that I have called repeatedly for a summit within DC for all law enforcement, number one, to sit down and talk about planning, evacuations, reactions and things of that sort. And the FOP nationwide has always been a strong supporter of that.

I really do not think that, should another 9/11 hit or any type of disaster, whether it be terrorist or national, that the individual, the member, the citizen, anybody who is trying to get to a safe place really cares what uniform the person standing at the corner directing traffic is wearing. I think they just want to know that there is somebody there that is helping them to respond.

It can be vastly improved. It is there. It is just not being used, unfortunately, in our opinion. There is a lot of interoperability capabilities that are there that could be pressed into service.

Mr. THOMPSON. Well, you know, one of the things with this bill, we are hoping, is that to the extent that the risk analysis and the targeting the resources follow according to plan, that can be avoided because the resources will not follow unless the plan is adopted. So another issue that we were trying to address for Ms. Fetchet's, I think, real concern, we are trying to do away with earmarking so that influential members of Congress will not be able to expand the resource allocation beyond what the plan calls for or send it to an area that is not as needy as another.

It will be based on a plan. And so we hope that we can maintain this all the way through this legislation and ultimately authorization and the appropriation process.

If so, we will avoid some of the errors of the past. And on this committee, support for it has gone on in the past. As the chairman indicated, all of us have signed on to the new bill.

We think it should be based on risk and threat and analysis. And we look forward to the approval of the bill. And your testimony here today adds significant weight toward getting it approved.

Ms. FETCHET. Chairman Thompson, I wanted to add, I just met with our local responders. And they really have taken upon themselves. They have not received the funds. They have raised their own money and put a pretty comprehensive system together. Because we are from small towns, they have built a coalition.

And so many people are taking it upon themselves to have a system in place. They are not waiting for the government.

The other thing that I would like to add, as far as first responders, oftentimes the people that are at the events become first responders. So I think in terms of how can we educate people in the general community on many of these issues, because oftentimes they become the first responders.

Mr. THOMPSON. Thank you.

Mr. SHAYS. I thank the gentleman.

I would like to ask each of you whether—and you have spoken to this in your testimony, but I would like to just kind of highlight it—should states be required to allocate funds to their localities on the basis of risk, not just the federal government?

I will start with you, Ms. Fetchet.

Ms. FETCHET. I think the states should have some responsibility, not just in allocating funds, but identifying what the risks are within those communities.

Mr. CANNON. I would address that as if it is good enough for the U.S. Congress, I would think it would be good enough for the states to follow the lead example.

Mr. O'CONNOR. Nothing further to add, aside from absolutely. Certainly, they should.

Mr. LORD. I am sure this will surprise everybody, but this is actually one thing I think we all agree on. States need to follow the Congress on this issue.

Mr. SHAYS. Well, let me then just jump to the next point. All of you represent first responders across America. You are focused on this issue.

And you are representing big cities, counties, small towns and so on. But you also support risk funding. And it is intriguing to me that that is the case. In other words, it is a pretty solid message.

Tell me as succinctly as you can, why. Whether you are big or small, why is risk funding important?

We will go in the opposite direction. We will start with EMS first.

Mr. LORD. NAEMT believes very strongly that our constituency first and foremost cares about their patients. That is a basic tenet of doing what we do is we are there for the people that we show up for each and every day.

I think as part of that, our constituency supports the appropriate use of funding and training to ensure that those areas that are at greatest risk have the resources they need. Couple that with the fact of what I alluded to, is that we also require a baseline across our country of minimum standards to address the issue of EMS training and PPE.

As a result of those kind of issues, we believe that by managing the money appropriately, we have the ability to provide that to all of our constituencies and ensure better preparedness.

Mr. O'CONNOR. The IAFF is in a rather unique position in the fact that we have about 3,000 affiliate locals across the country. And the overwhelming majority of our affiliates are from very small jurisdictions.

So we come here with that recognition, but also with the recognition that in terms of providing the service, we recognize that both police and fire are inherently local government responsibilities. And in light of 9/11, the federal government has to assist and assume some responsibility in homeland security. But at the core, they still remain local government functions.

As such, recognizing that federal resources are not unlimited, if we are really concerned about protecting communities, you have to look at the things that we alluded to earlier. What is the vulnerability? What is the risk? And what is the threat level?

And simply put, in order to do that, in order to ensure that our money is being properly spent, it has to be based on a risk-based formula.

Mr. CANNON. First, you should all be scared when the police and the fire can agree on something and get together. That should send you a message.

Mr. SHAYS. It is a great message.

Mr. CANNON. One of the things that we do in public safety—and I am going to use the term “public safety” in this aspect—is every day, is risk assessment and analysis for us—whether we are sitting in a fire station waiting for the alarm to come; whether you are out on patrol looking for the bad guy; or you are dealing with the incident before you. That is why we can use risk analysis and assessment as good as we can.

And that is why I think that that is why we can agree on this, is because it is a commonality amongst us that we know what to look for there. And we can always work together at that magic moment when we have to.

That is why we are in agreement. And that is why you should go there, is the fact that we know what the risks are.

We can get the risk analysis and the assessment. When you couple that with the intelligence gathering and put it together, you have taken that data and given yourself the correct information, you have then given yourself a formula for success. And I think that is what you are looking for.

Mr. SHAYS. Just if you could conclude?

Ms. FETCHET. Well, I agree with what everyone said here. The thing that I would say, just hearing from people that live in New York, people that are not family members are very concerned about their safety.

And I think long-term, you are going to see, if this is not addressed and we continue to have ongoing threats and stressors on our city, you know, large events like the conventions and so forth, that you are going to see a change in the makeup of the city because I am hearing from people that they are fearful for their lives. They are making decisions to retire early, to move out of the city.

You are seeing businesses move out of cities. And I think there are going to be long-term repercussions unless you have a focus on risk assessment.

I would encourage you too to look at all three of these organizations. I have friends that are in the medical business and are responsible for EMTs. They get lost, despite being often first responders.

And of course, when you look at the chemical and all these other protections that they need, they are not prepared. I think you also have to look at surrounding communities and preparing those communities and look at the issue of staffing because even in the FBI, I have heard from their organization that they are having people retire early because of the long hours and the continued stress.

Mr. SHAYS. Thank you very much.

Thank you, Mr. Chairman.

Mr. ROGERS. [Presiding.] The gentleman’s time is expired.

The chair recognizes Mr. Langevin is recognized for 5 minutes.

Mr. LANGEVIN. Thank you, Mr. Chairman. And I want to thank the panel for being here today and for your assistance in support of the first responder legislation that Chairman Cox and Ranking Member Thompson have developed.

And it really is, I think, a testament to both the importance and the bipartisan nature of the bill that every member of this committee has signed on, supporting it. It really is of value. Thank you.

Just a couple of questions, if I could. We touched on some of these already.

You know, a common complaint that I hear from local governments and first responders is the length of time that it takes for funds to trickle down to the local level where they can actually be used. So I guess I would like to know: what steps do you think that could be taken to speed up the process and shorten the time between when the states receive homeland security funding and when local governments receive it from the states?

And as a follow-on to that, a related question, do you think that the flow of money from DHS through the states and then to local entities is the right approach? Or should more programs follow the COPS and FIRE grant models and send the funds directly through the federal government to the local first responders?

My next question, if I could, and I think you may have already addressed this too, but specifically, the terrorist threat depends on what terrorists intend to attack. And I think it is safe to say that terrorists certainly do tend to attack the United States where the defensive countermeasures are the weakest.

Terrorists presumably know what areas have been worthy of receiving grant funds and it stands to reason that areas we determine to be low-threat could theoretically then actually become higher. So to that point, if that is the case, doesn't it make sense to ensure that all communities do have some baseline level of security?

And I also tie that to the fact that not only are these assets going to be used to prevent and respond to a terrorist attack; but also there are natural disasters or accidents that are going to occur and tragedies that are going to occur. And so these assets will be used.

I think directly of my own home state of Rhode Island where, a few years ago, we had the horrible Station Nightclub fire where there were 100 lives that were lost and hundreds that were injured. And I know clearly from that night that many lives were saved because of the quick response of first responders.

So clearly, having good equipment, coordination and training benefited that terrible night. And more lives probably could have been lost, but the people were saved.

So I think that is an example of how assets will be used not only for terrorist attacks, but also in response to other events.

So if you could respond to both of those questions?

Mr. CANNON. Let me just say, you are looking at first of all, in some of your analogies there, you are looking at a couple of different things for your all-hazards approach. As far as prevention goes, we cannot arrest a hurricane or go out and put a road block up and stop a tornado. So when you are dealing with that type of incident, you need to be prepared.

And a lot of your response-type avenues can be reutilized under that. So I think that there can be some cross-over in that aspect of it.

But for the prevention, you have to have a strong intelligence and the prevention of law enforcement to go out there, to be able to do, in conjunction with the rest of public safety, your analysis or risk assessments on what are your targets. And when you harden one target, remember you are softening another target. So

all that has to be taken into consideration on an across-the-board approach.

I have some good friends down in Mr. Thompson's district, down in Mississippi. And one of the things that they taught me from down there was: if it is not broke, do not fix it.

So if you have a grants program such as COPS that is working, I think that if you model it similarly, I think that you are going to find it more effective in doing things of that nature. The grants need to be, once they are identified, need to be transcended. And the money needs to get there as quickly as possible so it can translate into the proper equipment that you need for Hazmat or the prevention, the joint operation centers for those things.

So the quicker the funding can be identified, the quicker that the assessments can be done, using the COPS grant approach, I think you can find yourself a good model that is already in place. And again, the intelligence and the analysis plays a very important role in all of this in identifying your terrorist threats compared to your natural disasters.

But a lot of the stuff should be able to be available and used when you have that capability.

Mr. ROGERS. The gentleman's time has expired.

The chair recognizes my friend and colleague from Connecticut, Mr. Simmons, for 5 minutes.

Mr. SIMMONS. I thank you, Mr. Chairman. And I thank the witnesses for their testimony. I have not been present for much of it, but I have read it.

And Mary, I thank you for your testimony, all your fine work, as a person who has made a huge difference, who has turned something terrible into something better. And I appreciate your involvement with Voices for September 11.

You quoted a Connecticut resident on page four. I do not know whether you knew it or not.

[Laughter.]

I believe it was Mark Twain of Hartford who said, "Common sense is not so common." And common sense is what we need to apply to the problems we face.

Risk assessment is one element of common sense, try to place our resources where we think they will be needed most. And earlier today, we talked about the issue of intelligence analysis to assess vulnerability and consequences, which is not the way we usually think in the intelligence community, but it is the way we have to think now when it comes to homeland security.

And I wanted to direct my questions specifically to Mr. O'Connor, but anybody else can respond if they wish.

On page five of Lee Hamilton's testimony, he makes reference to the federal grant board of 25 homeland security experts who will evaluate the state applications on the basis of their potential to reduce the threat, vulnerability and consequences. So it is a grant board.

And yet, my recollection with FIRE grants is that you have peer review. And maybe in certain other areas you have peer review.

And the best part of peer review is that people who are actually charged with the responsibility of dealing with these problems assess each other. They know each other. They are not going to give

something away to somebody when they know in their heart that it does not make sense.

And so my question to you and anybody else who wants to testify is: should we be taking this one step further and going perhaps beyond the board or having a board-plus, where there is some component of peer review so people within the states and within regions have an opportunity to appraise each other's applications?

Mr. O'CONNOR. Well, one of the things that I was pretty definitive in my testimony about was the fact that we hope that in any final authorization, that task force or grant board is included in any final product because we think it is imperative. And that was the venue that we hoped to have some type of participation from the first responder community.

But your analysis is absolutely correct. My colleague, Inspector Cannon, said it is unique when you get fire and police to agree. But it is even more unique when you get the fire service community to agree.

And with respect to the assistance, the fire fighter's grant program, when the idea of peer review was first hatched, a lot of folks did not think it would work. We brought together the chiefs, the volunteers and the IAFF.

And it has worked magnificently in terms of benchmarking, reviewing applications, coming up with measures to qualify. And then once the qualification measures were come up with, evaluating the individual branch.

Certainly, I think that we all have a vested stake in making sure that dollars are spent wisely. And I guess my only real answer—my direct answer to your question—would be: absolutely any process, if we can get first responders involved in it—the task force, the task force-plus, some type of regional peer review involving first responders—we would wholeheartedly endorse.

Mr. SIMMONS. And the ranking member has properly raised the issue of rural versus urban. And it would seem to me, in my experience with the FIRE grants, we have urban fire departments and we have rural fire departments. They understand each other pretty well.

And perhaps a natural way of obviating the issue of rural versus urban is if there is peer review on a larger scale. It is peers judging peers. And you would not get into the issue of whether this is one sort of constituency against another.

Mr. O'CONNOR. Well, certainly, I mean, even in jurisdictions that do not have as much population or direct threat—skyscrapers, et cetera. In the ranking member's district, for example, there is a nuclear facility. I mean, clearly those are the type of issues and the type of threats that need to have some form of analysis to determine the appropriate allocation.

Mr. SIMMONS. I thank you.

If anyone else wants to comment, I would be happy to hear from them.

Mr. LORD. Yes, Congressman.

From our perspective in emergency medical services, we have the issue that we have not really been involved, people at the table, for a long time in the process. And I think that the board is a great

place to start. But clearly, we have to take that board beyond that process.

Emergency medical services is provided in this country through a very diverse process. Part of it is fire-based; part of it is third service; part of it is hospital based; part of it is volunteer, a very large part of it.

So because of those issues, I think that those issues have to be brought to the table beyond the step of the board to address those grant funding issues that are unique to the delivery of the service. I think if we do not do that on the backside of that board, we are actually going to be putting ourselves in the position of not having met the need. And we will be back here 5 years from now, after an event, going: what happened?

Mr. SIMMONS. I thank the board.

Mr. CANNON. Just very quickly, just make sure that you do have law enforcement representation on there, to include the intel and everything that is going to go on there, because as I said, you have to have a complete picture when you are doing the analysis.

Mr. ROGERS. The gentleman's time is expired.

The gentlelady from Texas, Ms. Jackson-Lee, is recognized for 5 minutes.

Ms. JACKSON-LEE. I thank the distinguished chairman and the ranking member of the full committee. And let me also thank the chairman and ranking member for a very thoughtful initiative and thank the witnesses very much.

And Ms. Fetchet, let me offer to you again, as I know and hope that we have expressed in the past, our deepest sympathy and appreciate—and I really mean this—for families that are grieving, to continue their engagement and involvement in this process.

This is a long journey. We are not yet complete.

Yesterday, in a hearing, I mentioned that the new Secretary for the Homeland Security Department has an enormous task. And I look at the gentlemen who are here, coming from different agencies and disciplines, I would hope they might view 180,000 employees as a very large task, to be able to organize, to be able to—and when I use the term "discipline," of course, define if you will integration and as well interoperability.

That is the mountain that we are climbing. And as we begin to look at how we can be more effective outside of the department and reach out into areas, we appreciate your assessment regarding the risk question.

Let me pose a few questions to you on management of the department as it relates to dealing with the first responders outside of the beltway. And I would appreciate your comment.

What ways can we be more efficient in the reach? Now we know we are talking about reordering the assessment of grants. But I want to make sure that there is the appropriate interaction between the national organizations that are represented here, between our first responders, in their access to homeland security. That is important.

And the second question is that, as you well know, in the first responder's legislation, Section 1803, the Secretary is going to establish clearly defined essential capabilities for state and local gov-

ernments. So they are going to give us sort of a road map, a list, that you will determine the grants by.

Would it be helpful if this was put into regulation, proposed regulations, which would then allow local responders and local jurisdictions to comment on whether or not, as they see it, it is the most effective focus? Meaning that they are, "Good, this is the right kind of road map. We can adhere to this. We have the data to adhere to this."

Because as it stands now, they will simply establish it. My view is that it would be helpful if the review process would be allowed for a comment time. And therefore, when it is ultimately put in place, it is in fact a procedure that you could adhere to.

I would appreciate the comments, starting with Inspector Cannon, if you will.

Mr. CANNON. I think one of the most important things is the fact that they do have input, but you do not want to delay the timeline unnecessarily to get this product out to them, where the funds are not available due to unnecessary delay.

So I think that is going to be one of the key things, that if you do want to get comments, that you do timeframe it appropriately so that there is no unnecessary delay.

Ms. JACKSON-LEE. Absolutely.

Mr. CANNON. As you say, working with 180,000 individuals is probably not the most simplest thing in the world, especially when you are trying to build a new framework. Input is always valuable.

To make sure that those people are involved and your personnel always are ensured the respect that they get and that they need to ensure that their job capabilities can be done, I think is a key focus that must be identified there.

Ms. JACKSON-LEE. What is your present relationship with Homeland Security? Do you have sort of a conduit with which you could reach through this department?

Mr. CANNON. I have direct access to Homeland Security by virtue of where I work. And our organization has very good capabilities sitting on the Homeland Security Advisory Board.

Ms. JACKSON-LEE. Ah, so you have direct. Let me go on to Mr. O'Connor and Chief Lord.

Mr. O'CONNOR. From our perspective, we think that in order to really have the dialogue, that it has to be outside the Beltway. And I think your observation was very astute.

What I think the Department of Homeland Security needs to do is in terms of their reach-out to first responders: one, national organizations are a wonderful place to start. But they also have to get out to the communities.

We truly know what the mission is. Using academicians and people who are from think tanks is a great idea. But when you are really talking about what needs to be done, the bricks and mortar of emergency response, the people who know that are the ones who are confronted it.

And as I said to an earlier question, we are going to be the ones that are first on the scene. So specific to the first responder piece of it; not the intelligence or border security, but first responders, more than anything else, they have to get into the communities,

listen to the fire chiefs, the police chiefs and the rank and file first responders.

Beyond that, certainly any opportunity to comment on regulations would be more than welcome. But I think their outreach needs to be consistent and ongoing.

Mr. ROGERS. The gentlelady's time is expired.

I want to thank all the witnesses for being here today and your valuable testimony. The members of the committee may have some additional questions. And we are going to leave the record open for 10 days for those to be submitted.

Again, I thank you for your testimony.

I thank the members for their questions.

And this committee hearing is adjourned.

[Whereupon, at 2:31 p.m., the committee was adjourned.]

